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ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, February 25, 2016 1:35 p.m. to 5:10 p.m. (Recessed)

Reconvened on Thursday, March 10, 2016 1:50 p.m. to 3:00 p.m.

GUAM LAND USE COMMISSION Regular Meeting Thursday, February 25, 2016 (Recessed)

Department of Land Management Conference Room 3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Ms. Conchita Bathan, Commissioner

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

[Excused Absence: Vice Chairman Victor Cruz]

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION Regular Meeting Thursday, March 10, 2016 (Continuation of 2/25/2016 Meeting)

Department of Land Management Conference Room 3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

[Excused Absence: Kristan Finney]

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Thursday, February 25, 2016 Time of Meeting:	X GLUC GSPC X Regular Regular Special Special ✓ Quorum Quorum Non-Quorum Non-Quorum
COMMISSION MEMBERS John Z. Arroyo, Chairman Conchita D. Bathan, Commissioner Beatrice "Tricee" P. Limtiaco, Commissioner Victor F. Cruz, Commissioner Tae S. Oh, Commissioner Vacant, Commissioner Vacant, Commissioner	SIGNATURE
Michael J.B. Borja, Executive Secretary Kristan K. Finney, Legal Counsel Marvin Q. Aguilar, Chief Planner Frank Taitano, Planner IV Penmer Gulac, Planner IV Celine Cruz, Planner IV Jeffrey Baker, Planner II M. Cristina Gutierrez, WPS II	MBJ- Kta b Zi Kta b Zi Megntures Megntures
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

	Thurs., March 10, 2016 [Cont] Recommend © Time of Meeting: 1: 50 pm	X GLUC GSPC X Regular Regular Special Special Quorum Quorum Non-Quorum Non-Quorum
	COMMISSION MEMBERS	SIGNATURE
	John Z. Arroyo, Chairman	
	Conchita D. Bathan, Commissioner	1 Car
	Beatrice "Tricee" P. Limtiaco, Commissioner	
	Victor F. Cruz, Commissioner	15
	Tae S. Oh, Commissioner	
	Vacant, Commissioner	
	Vacant, Commissioner	
)	Michael J.B. Borja, Executive Secretary	MBer -
	Kristan K. Finney, Legal Counsel Marvin Q. Aguilar, Chief Planner	ABSENT
	Frank Taitano, Planner IV	
	Penmer Gulac, Planner IV	- VA 1000 /
	Celine Cruz, Planner IV	W/M20
	Jeffrey Baker, Planner II	
	M. Cristina Gutierrez, WPS II	Megitinez
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular	Date: Thursday, Feb	oruary 25, 2016
GSPC	Special	Time: /: :	35 pm
Quorum	No Quorum	Adjournment:	3:00pm - 3.10.2010
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PLEASE PRINT NAME CLEARLY	APPLICATION	NAME AND/OR NUMBER	Telephone No.
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John Sherm	Pagota	<u> </u>	
Tim PRODZ	PAGO	BAI	487-2197
MONTE MOSA	PAGO	BAY PROSBET	888-1944 1988-1944
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Public Attendance Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date:

Thursday, February 25, 2016

Regular

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GLUC

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GSPC	Special Time: /:35 pm	
Quorum	No Quorum Adjournment: 3:	00pm 3.10.2016
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Elizabeth C. Toves	public attender Pago Bay Res.	789-2359
KEN COLLAKED	, , , ,	727-7006
TORYN. BOE'S	Public Attendance (Pago Bay)	789-2136
Nicolas F. BorjA	Public Alton dor (Pago BAN)	784-2136
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led Mil		
Joe Menliste	Public	482-2447
Amanda Pampuro		977-2862
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R.G. RAMINO	0.0	472-0013
JOHN SALAS	969-3257	969-3257
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Mauryn McDonald	GWA	B 300-6054
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Angela Andersa	Puddi	
RACHEL MANGLONA GLUC Form 21 - GLUC Public Attendance	Public (Pacao BAY)	789-1397

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David Dreus		486-3281
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Rodney Webb	Pago Bay (OPPOSED)	488-7738
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Public Attendance Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday	, March 10, 2016
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GUAM LAND USE COMMISSION

Chairman John Z. Arroyo Commissioner Conchita D. Bathan Commissioner Tricee P. Limtiaco Vice Chairman Victor F. Cruz Commissioner Tae S. Oh Commissioner (Vacant-2)

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

AGENDA

Regular Meeting Thursday, February 25, 2016 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

- I. Notation of Attendance
- [] Quorum
- [] No Quorum

- II. Approval of Minutes
 - GLUC Regular Meeting of Thursday, February 11, 2016
- III. Old or Unfinished Business [None]
- IV. New Business

Zone Change

A. The Applicant, Goodwind Development Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone for the proposed construction of warehouses, office spaces and equipment parking, on Lots 5326-8, -12, -14, -4-1, -4-2-R1, in the Municipality of Dededo, under Application No. 2015-35.

Case Planner: Penmer Gulac

Zone Variance

- B. The Applicant, Guam Wangfang Construction, Ltd. represented by FC Benavente, Planners; request for height and density variance for the proposed construction of a 304-unit multi-family structure (Pago Bay Marina Resort) with accessory uses within two (14 & 15 storey) buildings, on Lot 164-4NEW-1, in an "R2" (Multifamily Dwelling) zone in the Municipality of Yona, under Application No. 2015-29. Case Planner: Celine Cruz
- V. Administrative and Miscellaneous Matters
- VI. Adjournment



GUAM LAND USE COMMISSION

Chairman John Z. Arroyo Commissioner Conchita D. Bathan Commissioner Tricee P. Limtiaco Vice Chairman Victor F. Cruz Commissioner Tae S. Oh Commissioner (Vacant-2)

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

AGENDA – Continuation of

Regular Meeting

Thursday, February 25, 2016/March 10, 2016 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

[] Quorum

[] No Quorum

- II. Approval of Minutes [None]
- III. Old or Unfinished Business

Zone Variance

- A. The Applicant, Guam Wangfang Construction, Ltd. represented by FC Benavente, Planners; request for height and density variance for the proposed construction of a 304-unit multi-family structure (Pago Bay Marina Resort) with accessory uses within two (14 & 15 storey) buildings, on Lot 164-4NEW-1, in an "R2" (Multifamily Dwelling) zone in the Municipality of Yona, under Application No. 2015-29. Case Planner: Celine Cruz [Recessed from GLUC Hearing of February 25, 2016]
- IV. New Business [NONE]
- V. Administrative and Miscellaneous Matters
- VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, ITC Building Thursday, February 25, 2016 • 1:35 p.m. to 5:10 p.m. (Recessed)

I. Notation of Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, February 25, 2016 to order at 1:35 p.m., noting a quorum.

Present were: Chairman John Arroyo, Commissioners Conchita Bathan, Tricee Limtiaco and Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Case Planner Celine Cruz and Recording Secretary Cristina Gutierrez

First order of business well, let's take a look at the agenda. We do have a change. Marvin, the first item of business the Goodwind Development Corporation is requesting to withdraw?

Marvin Aguilar (Chief Planner) well ... yes sir from this agenda; to postpone it.

<u>Chairman Arroyo</u> okay. We're going to take them off the agenda for today.

<u>Marvin Aguilar</u> yes sir; they're requesting to come before the Commission on the next available.

II. Approval of Minutes

<u>Chairman Arroyo</u> so, let's move on with the review and approval of the Minutes. You've all had an opportunity to review the Minutes. Any comments

[Female speaker from the audience interrupts and asked that the Chairman speak louder.]

<u>Chairman Arroyo</u> so, can you hear me. We're going to review and approve the Minutes. If there are any questions or comments on the Minutes we can talk about those now; otherwise, I'm ready to entertain a motion.

<u>Commissioner Limtiaco</u> Mr. Chair, I move to approve the Minutes of the GLUC's regular meeting of Thursday, February 11, 2016 with any changes or edits to be emailed to our Recording Secretary by end of day.

Chairman Arroyo okay, I have a motion, do I have a second?

Commissioner Bathan I'll second.

<u>Chairman Arroyo</u> moved by Commissioner Limtiaco, second by Commissioner Bathan. Any comments or questions? If not, all in favor of the motion say "aye" [Chairman Arroyo, Commissioners Limtiaco, Bathan and Oh], all opposed say "nay."

[Motion to approve the Minutes of February 11, 2016 was passed unanimously; 4 ayes, 0 nay]

III. Old or Unfinished Business [None]

Chairman Arroyo okay; let's move onto the first and the only item on the agenda.

IV. New Business

Zone Variance

B. The Applicant, Guam Wangfang Construction, Ltd. represented by F.C. Benavente, Planners; request for height and density variance for the proposed construction of a 304-unit multi-family structures (known as Pago Bay Marina Resort) with accessory uses within two (14 & 15 storey) buildings, on Lot 164-4NEW-1, in an "R2" (Multi Family Dwelling) in the Municipality of Yona, under Application No. 2015-29.
Case Planner: Celine Cruz

<u>Chairman Arroyo</u> you're not representing the applicant are you? (Unidentified female speaker responds "no, I'm not." Later identified as Diane Strong) So, if you don't mind we'll bring you up when it's time for public comments. So Celine when you're ready.

<u>Celine Cruz (Case Planner)</u> reads the staff report to include summary, purpose, facts, staff analysis/discussion, results of the public hearing, conclusions and recommendation; and, summary report of ARC position statements. [For full content/context of the report, refer to attached staff report.]

[Attachment B - Staff Report dated February 18, 2016]

Chairman Arroyo any questions?

Commissioner Bathan Celine, you mentioned that there were some documentation that you requested from the applicant when the time that you prepared the staff report which was February 18th. (Ms. Cruz responds "yes.") Did you receive anything from February 18th up to now?

Celine Cruz no none.

<u>Commissioner Limitaco</u> you also mentioned that you received position statements from all the ARC members; I reviewed that here. What about from the Yona Municipal Council?

<u>Celine Cruz</u> we have not received anything from the Yona Municipal Planning Council or the Mayor's Office.

<u>Commissioner Limtiaco</u> okay so nothing to date. Just for the record, is the applicant "Wanfang" or "Wangfang?"

<u>Celine Cruz</u> we believe that the applicant's name is "Wanfang" as indicated in the warranty deed, in the applicant's letterhead of authorization to AES Construction.

<u>Commissioner Oh</u> just for the record, based on current R2 zoning what is the maximum units that they could actual build on the lots itself.

Celine Cruz that is

<u>Marvin Aguilar (Chief Planner)</u> the calculation for that is you take the square meters of the property and divide that by either 1,250 square feet or 116 square meters. That capacity should come out to 239 units.

<u>Commissioner Oh</u> 239 unit and then based on that they are asking for an increase in density of 65. Am I right?

<u>Chairman Arroyo</u> okay, so basically what you're saying is that the application or what has been submitted to you today is not sufficient enough for you to make a recommendation. Is that correct?

Marvin Aguilar yes sir.

<u>Chairman Arroyo</u> at this time ... and that you have requested for missing documentation or supporting documentation, but you have not received any yet.

<u>Marvin Aquilar</u> well we've requested for information that were formulated through various discussions with the applicant as well as comments that were provided by the ARC...yes.

<u>Chairman Arroyo</u> and has the applicant given you any timeframe in which they provide that information?

Marvin Aguilar not that I recall.

<u>Chairman Arroyo</u> well thanks for the report. Also thank you for your transcription of the January public hearing; we had some thirty pages of detailed conversation. I do, at least for the record, want to respond to the questions that were raised regarding the presence or lack of presence of the members of the Commission at that public hearing. There was a member as a matter of fact; it was our Vice Chairman who was present at the meeting. But I think what you need to understand is the purpose for the public hearing, and Tricee you can chime in whenever you

want to; but, we believe the importance of that public hearing is so that a direct communication can be established between the applicant and the community members; the neighbors of the applicant, so that the applicant can explain in as much detail as they can to the neighbors what it is they intend to do with the property that they own and how, once it's done, will be beneficial to the community. On the neighbors' side, it provides for them the opportunity to discuss their concerns, their worries, their issues, their opposition or their support directly with the applicant. And hopefully through that process if there is opposition, there can be some kind of compromise and agreement, a win win situation created by those individuals who are most impacted by what the applicant intends to do without any interference from the members of the Commission. We feel, at least I feel, that if we were there then it would ... a lot of the discussion would be directed our way. And we would rather for that to happen at a meeting here after everybody has had an opportunity to air their differences, to explain their reasoning and hopefully to arrive at a situation that is amenable to everybody. The applicant then is more prepared to come to us with some revisions to their applicant and the community would be more favorable towards the process. I mean that's my understanding. Tricee or anybody else have a take on that?

Commissioner Limtiaco I think you covered it well.

Chairman Arroyo and we've seen that happen before. As a matter of fact a great example was just the application we heard at the last meeting where the property had gone above and beyond to meet with the members who are in complete opposition to what he was planning to do, and the result was a workable relationship, and what we hope and what we assume will be a good relationship between the neighbors in that area. So we think that that arrangement and it's been this way for a long time has been beneficial to everybody plus what it does for us is it makes these hearings less complicated. We can get through the process faster. Unfortunately, it doesn't always happen and so we end up with what I assume is going to happen today and we're going to have to work through that process. But, I think by large for the most part the way it's been working in the past has been working fine. So, I hope that that addresses that issue.

If there isn't anything else of the staff, I'd like to invite the applicant to come forward. One second please --- let's take a five (5) minute recess to see if we could get a microphone working so everybody could hear us.

[Commission recesses for five minutes at 2:00 p.m. and reconvenes at 2:05 p.m.]

<u>Chairman Arroyo</u> we're back in session. I'm sorry ladies and gentlemen. The microphone doesn't seem to work so we'll project as much as we can. Please let us know if you can't hear us; and to the applicant and the applicant's representative, please speak loud enough so that everybody in the room can hear you. If you could state your name for the record ---

Richard Sana (with FC Benavente, Planners and to my right is Mr. John Sherman, AES Construction Inc., P.E., Civil Engineer) Good afternoon Mr. Chairman and members of the Commission.

Richard Sana (cont'd) what we have before you is an application for a zone variance for height and density to construct a 304 multi-residential units, R2-zone located in Pago Bay. And Mr. Chairman the ... I just heard a little bit that the ... that the ... ARC positions were not addressed and I tried to submit a our responses to those position statements Wednesday and umm, but it was not accepted by the Department. So today ---

Chairman Arroyo I'm sorry Richard, can you hold on one second. Is that the case?

<u>Marvin Aquilar</u> well actually there was a summary submitted, but the staff report had gone out and I explained to the applicant that perhaps maybe it would be best that they present their (what's that) their update information to the Commission because the staff report did go out. We didn't have time to provide a supplement with their response. That was explained to them.

Commissioner Limtiaco Wednesday? As in yesterday?

<u>Marvin Aguilar</u> I think it was about yesterday yes; if not yesterday, Tuesday. Our staff report came out on the 18th and just prepared just enough time for the ... we had been aware, we were aware that it came out very recently. I also understand there was a meeting today and so it's very hard to try to coordinate any change to our report.

<u>Commissioner Limtiaco</u> I'm sorry ... Mr. Sana, was that Wednesday yesterday or Wednesday last week?

Richard Sana no, it was Monday this week.

Commissioner Limtiaco I'm sorry I thought you said Wednesday.

Richard Sana no Monday this week.

John Sherman if you don't mind me adding on here is

Chairman Arroyo i'm sorry John, can you state your name ---

John Sherman I'm the project engineer and design engineer for the project. (Umm), our ARC review meeting was conducted back in October last year. To my understanding there was supposed to have been a sixty (60) day moratorium for us receiving the review comments or input from the various agency. We only received these comments and inputs only last week. So there really wasn't much time other than to work over the weekend to mitigate or answer some of the concerns that the different agencies had. We had summarized our response and tried to incorporate it into the staff report, but it wasn't timely enough and the staff report had already gone out and we were unable to incorporate into their report that's in front of you.

Chairman Arroyo do you have copies of anything that you want to give to us today?

<u>Richard Sana</u> well, I can pass one set and because we brought enough copies Monday to provide all the Commission members a copy and also the Planning staff. As a matter of fact we sent Mr. Benavente to try and pick it up at my house the rest of copies and depending how long we're going to be here. We have all seven (7) agencies (umm) position statements.

John Sherman and only this morning at ten o'clock we were able to meet with Parks and Rec the final agency review to mitigate all the concerns that was left behind from Phase I of the development which is the reburial of the archeological findings that we encountered during Phase I excavation. There were eleven (11) archeological remains we uncovered in the Phase I and it is yet to determine the proper burial site and the necessary ceremony and all the protocol with the reburial process. So that process just this morning we were able to negotiate and we are working on a solution.

<u>Chairman Arroyo</u> when the first action was taken on the Laguna Estate, was there something in that approval regarding the relocation of those remains?

<u>Marvin Aguilar</u> I don't have a copy of their Notice of Action. There were various conditions that were placed, and at one point there was a (from my understanding) from the ARC hearing from this project that there were still discussion issues regarding the reburial.

<u>Chairman Arroyo</u> so at that time ... the zone change for the Laguna Estates, at that time when you were issued your Notice of Action were you given a timeline to locate a place to move the remains?

John Sherman yes there was. Let me ... if I could just go back, a timeline to explain what happened. The applicant at the time was working out the solutions of reburial site with the Parks and Rec. There were two elements that were required; one was the beach access and associated parking to go with that, and the second element was the reburial of the remains that we encountered. However, the complete archeological report that was submitted by Dr. John Peterson of UOG was submitted to Parks and Rec and there was a change in management at the Parks and Rec and the new Archeologist couldn't come to the final version of the report. So, the burial site and the design was still pending and it sort of kind of lapsed and everybody kind of had forgotten about it other than that we had already the beach access, concrete beach access and the parking lot to accompany that. And so this morning's meeting was to mitigate the final reburial site which will probably be buried other than what they had originally planned to do.

<u>Chairman Arroyo</u> and what do you have in place now that is protecting the site? With the remains?

<u>John Sherman</u> yes; my understanding is that the remains are still with the Archeological Department at the UOG and they're being packaged (I don't know what the terminology is), but they're supposed to be certain wrappers, certain chambers to be buried. So this morning for the first time I learned something new about archeological requirements for burial. I understand that

<u>Mr. Sherman (cont'd)</u> there is a plaque that needs to be prepared and a theme that needs to be developed of the remains, how to be buried, and some blessings. There's some procedural things that needed to go through and we are working on that this morning.

<u>Chairman Arroyo</u> okay thank you. So, you can go ahead with your presentation.

Richard Sana okay umm...the application before you is provided by the ... the Zoning Law, 21GCA Real Property, Chapter 61, Zoning Law under Section 61616 Variances, Sub-section D; to permit such modification of the height regulations as may be necessary to secure an appropriate building or structure on a lot which has such physical characteristics or is so located with relation to surrounding development that it cannot be properly improved without such modification. Permit such modifications on the lot area per dwelling unit (density) requirements as may be necessary to secure an appropriate development of a lot in keeping with its size and location. And because of this provision we are here we are requesting the Guam Land Use Commission to consider this application for height and density. With this is also the justification that the strict application or the provision of this chapter will not result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law.

Our response to this is that the variance requested is for increase in height and density. We know that the north and west areas of the property have setbacks in excess of 100-feet and 120-feet respectively and which contributes immensely to increasing the open spaces on the property.

<u>Chairman Arroyo</u> Richard, I'm sorry to interrupt you; I just want to get my bearings okay. You're talking about the north and the west and in your letter to us you're saying that the exterior boundary of the lot along the east side fronts Route 4; that's on the east side or the west side?

Richard Sana no, that's on the west side.

<u>Chairman Arroyo</u> that's on the west side; east you're talking about is the ocean. So the directions here are a little off in your letter. It's on the paragraph marked "location" towards the bottom.

Richard Sana okay that's a mistake. The west side should be east side so the property has setbacks and that's 120-feet from the shoreline and 100-feet from the river because of the...that separates the river and the where the building structure is going to be built. Because of the thirty percent (30%) of wetland on the property (undecipherable) amount of square footage of land located within the river side and ocean side frontage it places a unique development constraint requirements on the full use of the property thus qualifying for a request for greater density. Ownership has worked diligently to prepare a design that works very well with the unique qualities of the property providing adequate spaces for light and air and preventing under concentration of population and ensuring that adequate utilities and amenities are provided to support the project. This height and density variance would result in difficulty and unnecessary

Mr. Sana (cont'd) hardship inconsistent with the general purpose, spirit and intent of the Zoning Law which is the protection and promotion of public health, safety and general welfare of the people of Guam; and B, that are exceptional circumstances or conditions applicable to the property involved or the intended user (sic) that do not apply generally to the other property in the same zone.

The property is located within an area that encourages multi-family activity as displayed by the R-2 zoning designation. A reasonable transition from a vacant unmanaged lot to the Pago Bay Marina Resort twin tower multi-family building housing and managed community which places a premium on the property's unique origin and its sensitive land features and is dedicated to their protection is an appropriate use of this property. The height and density variance allows for reasonable use of the property while complying with the existing zoning requirements. These circumstances do not apply to the other properties in the same area. Ownership further submits that the subject lot is a "child" of the mother lot or mother or father lot of Lot 155-NEW-R1 which developed at a density for 98 lots significantly less than allowed by its R-2 zoning designation which actually if you compute that you would allow 1,618 units if it remains a whole piece. The public welfare is not harmed by the density variance considering with 98 lots in Laguna and the 304 units in this application if considered as a whole 402 residential units considerable less than the 1,618 residential units if the mother lot is considered as a whole allowed by the R-2 zoning designation which is only a twenty percent of what could have been built.

Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighbor in which the property is located. The variances requested will not be materially detrimental to public welfare or improvements in the neighborhood approval of the variances will allow this owner to significantly upgrade the neighborhood and its environment. The public welfare is elevated with an increase in new jobs created and increase in economic and tax revenues for the island.

Ownership will remove trash and regularly maintain the property. The project will contribute to the neighborhood improvement in the form of a well developed, landscaped and upgraded property. Moreover, the proposed density is well balanced as the building footprint is only twelve percent of the entire 6.857 acre property. The granting of such variances will not be contrary to the objectives or any part of the Guam Master Plan adopted by the Commission or the Legislature. The Guam Master Plan as shown in the Zoning Map allows the location of multifamily uses in the R-2 zone. This request is in reasonable accordance with and not contrary to the plan. That, as to variances with the restrictions of Section 61617, 21GCA the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area up on the ridge the building is to be constructed and that such building shall not interfere or adversely affect the surrounding property owners', public rights to untrammeled use of the beach and natural beauty. We feel that this application has met the criteria of the Zoning Law as provided in this section for variances. And we also would like to describe amenities that comes with this development.

<u>John Sherman</u> during the public hearing we actually never got an opportunity to, unfortunately, present some of the project's amenities of the project. So, I would like to take this time out to briefly describe what's actually is in the project.

<u>Chairman Arroyo</u> John, if you could kindly speak up because I think the audience here in attendance would like to hear as well.

<u>John Sherman</u> the number of residential again is 300 units we started off; but four units were subsequently added to accommodate for or make provisions for caretakers so it became 304 units. The total footprint we're building is 38,780 square feet and the public area of that is 103,000 square feet and that's composed of the small infinite pool, recreational swimming pool, a small water park, green lawn area, walking and jogging and bicycling area within the property.

There are two levels of parking that we are planning which provides 328 parking stalls with a full size bus park and potentially for a parking for a boat ramp that we are planning to incorporate into the project. I'll come to a little bit more on the boat ramp in a bit. Although we have not addressed it adequately in our project, it was done so intentionally.

There are two towers; one is fourteen (14) stories tall and the other one fifteen (15) stories tall. Each floor contains twelve (12) units of residential units covering 14,100 square feet per floor. There are four (4) one bedroom unit, seven (7) two bedroom unit and one (1) three bedroom unit per floor; and all floors, thirteen ... fourteen and fifteen are identical in the elevation.

When completed it will provide full range of residential hotel amenities including 8,000 square feet of restaurant, 3,900 square feet of health spa and gymnasium and 3,000 square feet of indoor/outdoor coffee shop and about 13, 000 square feet of commercial retail shops of various sizes and there will be six (6) meeting and function rooms covering 14,000 square feet and 23,000 square feet of various other recreational facilities for the tenants and residents.

Richard Sana and also there's going ... the community benefits ... there will be some new jobs during and after the construction and during operations. We had a ... actually contracted out an economist and here's ... the economic impact study was performed by Dr. Michael Evans of Evans, Carol (sp?) and Associate in Florida especially for this project. Their report projects of over 1,540 jobs from direct and induced jobs created by this project. This is based upon world construction costs estimated at seven million dollars with applicable, multiplier effects. There will be more job opportunities for the community. It brings jobs closer to the community; shorter work related driving distance and time and possibly less traffic in and out of the Tumon area. This facility will bring new destination for meal and recreation plus there will be a coffee shop, restaurant and beach access and convenience within the development. There will be improved and well managed wetland, shoreline areas, outbreaks and that would also improve the ecology and discourages unsightly trash, liter and abuse. The developers have been cleaning and maintaining the beaches for the past seven years. There will be a marina type opportunity for public and private partnership and within ... in communication and collaboration with the UOG, GPD and GFD. I know that GFD are still looking for a place where they can build their boat

ramps so they can launch off their search and rescue missions. And per our discussion with them with GFD they say the the Pago Bay Marine is an ideal location because if they were to build it in Talofofo Bay there are some days where that would be hazardous to launch off there because of the waves that would be coming back against them. Like I mentioned, we are in current dialogue to GFD, GPD, and other agencies for private and public partnership in developing a boat ramp and a small marina a there is no emergency boat launch facility along the eastern shore. It would be a strategic location, shorter travel distance, shorten response time. Right now according to the GFD it takes them approximately four (4) hours to get from Agat all the way around to that part of the island. (Umm) and then we would at the same time have the protected shoreline. New revenue source for Guam due to increase property tax, income tax for employees, GRT for services and (undecipherable) operations including locally grown products. Evans report also projects annual revenue and the final demand multiply for economic in this project as follows: local spending but buying from development the hard construction cost would be 77 million dollars, purchase of (undecipherable) 1.4 million, real estate sale, rental 18.5 million. Jobs created by the project subsequently create new sources of household income household income period of about 43.4 million dollars.

John Sherman (umm) in addition to the Evans report; maybe I should explain the Dr. Evans' role. We retain the services of Dr. Evans from Florida to look and study on growing path of this project on the economy, and the results you just heard were some of the highlights we received from that report. And in that report it says that the demand for business service including maintenance and construction and new supplier, vendor relationship is symbiotic the....growth of the economy ... will be created in Guam should reach about another 21.7 million dollars that he estimates.

Based on the census, we have actually have approximately 2,000 people per year in population growth. And if you assume a 3 to 5 percent per household we need an average of about 400 to 600 house, new houses just to keep up with our growing population, natural growth of population in Guam, and we think that this project will also add to that necessary housing demand in the next ten, twenty, thirty years.

We also think that this project because it is so well conceived and designed that we think that it would actually improve the aesthesis of the surrounding area as well keep the property value of the surrounding area we have so far up to now have been managing and cleaning wetland area every rainy season there have been storms that come down and wash down bamboos and liters and trash from upstream of Chalan Pago and down into the Pago River, and I have some pictures that I can share with you of the amount of solid waste that we collect and we've been doing this for past seven years ever since the starting of the project. It is clean today. This construction started approximately about 2008 and we've been doing that ever since. Construction within of the ... and the wetland is not projected on this project. We have no, absolutely no disturbance of the wetland area. And we will continue cleaning the beaches and the bamboo clean and cleaning for potential boulders in the area.

Mr. Sherman (cont'd) at the January public hearing, we sort of never (again) had a chance to present our project details, but we did hear that there were alot of complaints and concerns. It think the PDN was nice enough to summarize those concerns and I think everybody has seen that in the newspaper, and I will recite it briefly here. The residents' concerns were cited as traffic....traffic. Residents say traffic is already bad in Route 4 in Chalan Pago and our concern the project will bring even more traffic to the area and safety issues. The second item was the utilities. Residents are worried that the project will affect power and water in the area. Third is the sewer. Residents are concerned that the sewage system won't be able to handle the additional people living in the tower. Fourth is the flooding the area where the project is proposed is prone to flooding and the project would make it worse in the future. Environmental issues – the project is on wetland and is near a river and ocean and could negatively affect ... have a negative impact on the area.

We would like to offer a brief explanation or answer to some of these which we never got to do in the public hearing. Traffic; there is a 2008, Public Works complete a traffic master plan in projecting out to the year 2030. In that report it reports there was a modest amount of congestion but it is nothing reported to be a tier one level construction. In that report the emphasis was on military buildup and there was a quite number of charts and graphs to show there is some necessary expansion, road widening, improvement and projects that they identify. A very small portion of that report actually talks about two-lane road that exists between intersection of Route 10 thru 17-A, Route 17. And there is a plan within the 2030 report that there is a Public Work plans to expand that road from existing two-lane roads to four-lane road. Other than that report there are no reported traffic congestion. However, we do see that there is a need for traffic resolution at the immediate in front of our property. We do recognize that existing is two-lane road and that our interfacing into that two-lane road would probably will create some traffic hazard. Therefore, we would like....proposing and we have worked this out with DPW that we would actually expand the width of the travel lane ... travelling south so that the people who are trying to make a left turn into our property can pass without having to wait behind the lane ... car travel....trying to make a left turn, and so that eliminates that problem. Coming down on the side they're coming down at a very high speed rate coming from Yona proper down into Pago River and we do recognize that it's a dangerous condition. So, from entrance of Laguna down to our property we will add another lane on the right side which will act as a deceleration as well as a right turn into our property getting traffic out of the main traffic, travel lane.

Utilities – residents are worried about the project would affect power and water in area. I think this was pretty well addressed in the position statement that was submitted by GPA and even....after! left the public hearing the person that I actually talked to expressed that there is a significant water pressure problem that they were experiencing and come to find out they were in the Chalan Pago side, Pago River, Pago Bay Estates area. For our connection when we did Phase I of the development, we worked with GWA to make our 12-inch main connection at about 200-feet upstream or uphill of the pump head, discharge head. We were asked ... actually we requested to make our connection at right around where Pago River is because that would be our closest point of connection. But having worked out with GWA they wanted us to make

the connection at discharge end of the pump; and there are three (3) 1,100 booster pump which pumps almost water from that pump station, and so they wanted us to utilize that connection point. During Phase I we have already laid all the water lines, sewer line and into the area that we are trying develop now so there will be no further connection onto Route 4 for this project. We don't think the demand on the water is as significant as what people seem to see. We think that this is very modest, no different than any residential units. Had these 300 residential units been built in let's say Barrigada or any other municipality, you would have the same amount of water demand and I don't see that this project would propose any water shortage problem to the Yona village. Sewer, I think I touched this on the public hearing. Sewer, there is a double-shaft pump station newly built on the side of the hill that is going up to...when we were trying to make a sewer connection; this was a time when the (undecipherable) Commission hadn't cleared the moratorium and we were at one time considering to have our own sewage on site there. Since then we've done some studies there and we found that the double shaft pump station over there is underutilized. I can show you that in a report and as well as the area that it is served. The sewer line from ... that is served ... it terminates at the end of the village of Yona it doesn't go very far. So there is not many population that sewer line serve. When we went over there to study the pump cycle of the pump station we found that it actually is much slower than what it needs to be. In otherwords, cycle time when the pump comes on at the peak load it should be within certain time interval, but it was much much too long. Which means that in a tropical conditions as it is in Guam when the sewage comes in to the holding tank of the pump station and it sits there for more than let's say half an hour to an hour, actually the pump ... the sewage actually turns septic and it is actually not very good for the pump itself and it's also an additional load on the ... going down the stream. We don't think the sewer is a problem. There is adequate capacity still remaining at the double shaft pump station.

Flooding in the area. This is act of mother nature there is not too much this project development can or cannot do to prevent mother nature from raising the sea level let's say a few inches up and flooding the residents around the area. Needlesstosay, I'm not insensitive to this but this is something beyond the scope of this project, and even by adding our project on the site doesn't contribute nor negate any of the flooding that the residents of Chalan Pago are currently experiencing.

Environmental – I think there were several concerns that we maybe polluting the Pago Bay waters and bay area and what have you. It's kind of misleading simply because the (umm) most of the coral reef in the Pago River is not alive, and I've confirmed this with the University professor, Dr. Randall. And several of his findings and reports indicates that there are very small amounts of live coral in the reflex of Pago Bay and most of are in fact quite dead. So do we contribute any pollution to that thing? I absolutely did not. During Phase I construction there had been many numerous complaints from the residents from the Chalan Pago area to come in and inspect our site and the Region 9 inspector also came out to inspect the site and during the construction I'm happy to report that there has never been any pollution that is erosion problem that contributed to the death of coral in that Pago Bay. And EPA has many of the field reports

when they came out and inspected it and verified and there hasn't been any pollution from our site and we intend to keep it that way.

I think that about addresses the public concern I think. If there are anymore public concerns that we might have missed or haven't heard, we'd be happy to mitigate it and look into some resolution.

<u>Richard Sana</u> with the agencies in the ARC review committee we took every concern that they had and we and we responded to it. And a lot of those concerns that they had was either at the permitting stage, very little of it is is something that we have to present prior to permitting...permitting. And so we'd like to we have sat down and consulted with most of them just about everyone of them except for BSP.

So with that Mr. Chairman and members of the Commission, this proposed use is specifically authorized per the Zoning Law. The variance request will not create undue traffic congestion or impair pedestrian safety. The requested variance will not overload any public or private water, drainage or any other resource system nor will there be any significant increase in storm water runoff onto adjacent property or streets. The requested variance will not create excessive demand for police, fire protection, schools or solid waste disposal services. The requested variance will not create hazards to the health, safety or general welfare to the public nor detrimental to the use of or out of character with the adjacent neighborhood. The proposed location is appropriate for the use; multifamily residential dwellings. The proposed use is consistent with the spirit and intent of the Zoning Law and master plans; and therefore, we ask your consideration in the approval of this application before you.

Chairman Arroyo any questions?

Commissioner Bathan I have a question. I just want a clarification on the density that is being requested. The total size of the property is 6.87 acres, and if you do a straight forward calculation it says 239 units you can build on that size of property. (Umm) there's a wetland which is thirty-two percent. So, I want to make... know if in calculating the number of units that's allowed did you ... with the wetland which is thirty-two percent considered or removed for the total allowed.

Richard Sana no, no, that's the gross area. The net area is eliminating the wetland.

Commissioner Bathan what I am trying to find out is whether build the two towers or you build single dwelling units, you still have to remove the thirty-two percent of wetland which you cannot build so you have to eliminate in the calculation. And it looks like ... I'm not sure, I don't think it was considered because I converted the total acres to square feet and it's 239 if you don't remove the wetland. But if you remove the wetlands, it only comes out to 163 so the variance requested is 141 units. Is that correct? Not 65.

Richard Sana I don't think so. The Zoning Law say that a you built (sic) on net buildable area. It it it you build on the whole (a) size of the lot.

Marvin Aguilar it's the total area that's available on the property.

<u>Commissioner Bathan</u> so for comparison purposes it's ... the wetlands is included in the calculation.

Marvin Aguilar the wetlands is included.

[Unidentified female audience member requests to repeat the conversation due to low audibility.]

<u>Marvin Aguilar</u> when calculating density you take the area of the property as shown on that's provided for the What they're talking about is whether you are separating the wetlands from the total area and then you start from there to decide what the density is. The lot does not provide for identifying those

Unidentified Female but the lot they own include those wetlands.

Marvin Aguilar yes.

<u>John Sherman</u> we own the wetland. Let's say we have a piece of property. Let's say a third of it is wetland; ownership is still with the property owner, so when you are computing the ratio for a number of allowed units you compute for total lot. However, by law we cannot build on the wetland so what we're left with is the remaining land space we will put whatever is allowed on that property; hence, we are requesting for the height variance.

<u>Richard Sana</u> to build on the wetland you have to get a permit and built (sic) and we chose not to do that.

John Sherman this is the map is the (refers to the drawing) mother lot. This property dates back...the history of this lot (just a brief history) is that the development of this project dates back in way back in during ... and this property has been worked over many times during the war and sometime later on it was used as a military staging depot. At one time it was a firing range for rifle range and what have you. Since then there was a (umm) development that was originally proposed a long time ago by former Governor Richard Bordallo and some of partners and some of the local business owners, visionaries that wanted to retain the services of world famous architect Frank Lloyd Wright to design a hotel complex. And everything side to the Pago Bridge all the way to Taga'chang Bay was originally designed for massive hotel complex and it was approved and we have legislation action to show you that it was originally approved as a multi-family R2 unit area. So, it's not new that this project is an R-2 zone. So thereafter, the project was was never materialized and parcels was divided up into several owners. The current owner has re-purchased and reconsolidated lot and hence we call it the "mother lot." And back

in 2007 when we were doing Laguna the project had to come forth to get a subdivision approval and we gone through tentative and final subdivision to get a 98-unit housing built in the middle of the lot and that is what is outlined in the yellow (referring to the drawing) which is the center portion of this lot. During the process of complying with the Guam subdivision law, we were forced put a line through there and a line there making this lot three parcels (pointing out on the drawing); one, two and three. And the part we are now trying to develop is that small parcel lot that includes the wetland. This is the final lot that was cut out during the initial phase. The ownership has never intended to cut this lot into three parcels. It was the subdivision zoning law that require and insisted us to cut this lot into three parcels. Now we are confronted with applying literal zoning law of computing number of units we based on this small lot. Now we were talking earlier ... if we developed this as whole as we originally intended this would result in less than twenty percent of what we are allowed to build.

<u>Commissioner Limtiaco</u> so Mr. Sherman, why then was the original application not a PD or PUD at that phase?

John Sherman because it was R-2 zoning we actually never wanted to do to segregate the....the project from one to another; but it's the Commission's requirement that we build tentative and final subdivision map, so it became that way and it was just never intended to divide it. It was supposed to be one continuous development. Because it's an R2 we don't need, really need to do PUD we can still build ... had this lot not been divided we wouldn't have to come before the Commission to ask for ... to build a a condominiums here or residential units here or ... because it would comply with all the zoning laws.

<u>Commissioner Limitaco</u> with the exception of height and density.

<u>John Sherman</u> only with height not the density because it was divided. And the height requirement comes because we are taking away thirty percent of land by wetland so we have no choice but lay it upward.

Unidentified female (2) (in audience) why don't you build up the rest of your property.

John Sherman pardon me?

Unidentified female (2) sorry, it's just hard to absorb when there's mis-information ---

<u>Chairman Arroyo</u> can we just concentrate on the presentation for now and we'll get to the public comments as soon as it's done. Any other questions? [None noted from the Commissioners] Just a quick question just to clarify. You mentioned a study was done on the need for additional housing; how many units did you say that was in the future ---

Richard Sana just anticipating the growth rate.

Chairman Arroyo how many houses was that?

Richard Sana well, a, between three and five (umm) persons per household; 400 to 660

John Sherman per year, per annual growth.

<u>Chairman Arroyo</u> and is your project ... I mean, are you targeting, and you're saying that your project will help meet some of that demand (Mr. Sherman responds "yes."). And so your project is targeting local buyers?

John Sherman yes, as well as the (umm) foreign buyers.

Chairman Arroyo okay because I thought it was targeting foreign investors.

John Sherman and locals.

<u>Commissioner Bathan</u> is your development an apartment or condominiums. Is it for rent or for sale?

<u>John Sherman</u> it will be built as a condominium. One of the tower probably will be used as a service apartments meaning hotel.

Richard Sana service apartments I think is

John Sherman long stay guest houses.

Richard Sana that will take care of the un...un...underground tourist. It's a, it's a ... concept now that's going all over, all over.

<u>John Sherman</u> service apartment is a concept that is sort of new to Guam but very prevalent elsewhere. It is a full blown apartment with all the furnishings and the people would come stay, long stay time. It's not a one or two night kind of thing, but a one month, two month, three month at a time stay (sic).

<u>Commissioner Oh</u> I have a quick question. Mr. Sana, I know you earlier mentioned something about that ... on your economic report you mentioned something about jobs. What was the exact number?

Richard Sana 1,500 and something.

Commissioner Oh as you build it directly to this project?

Richard Sana no, no; it's direct and induced by this project. Meaning that outside of it also like suppliers

Commissioner Oh you're talking about multipliers.

John Sherman this is including the multiplier phase.

Richard Sana yeah, yeah.

<u>Commissioner Oh</u> do you guys have an estimated figure as to how many, how many people you guys will be employing directly?

John Sherman we intend employ approximately about 600, 700 people during construction.

Commissioner Oh no, I'm talking about during operation.

<u>John Sherman</u> during operation? There will be about a minimum of about 400 to 500 people working. Usually hotel industries require about (I'm not hotelier) but my understanding is that you need about 1.5 persons per room of a hotel. This is what I understand. So if we consider it for a 300-unit, 300 residential unit purely as a service apartment then you would need a minimum of 450 personnel.

Chairman Arroyo any other questions?

<u>Commissioner Bathan</u> I'm just curious about where the funding will come from for this project. And the reason why I'm asking is there's a lot of applications that came before us and some of them got approval most of them; but they build and then they stop for years until somebody else picks up the project. So, I'm curious about the funding source for this project and if it can sustain the development without any hindrance.

John Sherman we think the project, the construction period is approximately about 2 to 2-1/2 years is what we're anticipating. The funding has been already been identified as far as six months ago. In fact, we've been pressured to move ahead with the project as early as possible. Now, I don't know if there's such a thing but we are willing put up a demolition bond if necessary if we don't get to finish it within ... maybe we'll get a bond and guarantee that it will get built or removed if necessary. We can work on that I don't think there's such a thing a demolition bond; nonetheless, we'll explore it and see if we can put that to rest.

Chairman Arroyo any other questions?

Commissioner Oh will the construction take place in one phase or different phases?

John Sherman it will go continuous; about 2-1/2 years.

Commissioner Oh continuous both buildings simultaneously.

John Sherman both buildings simultaneously.

<u>Commissioner Oh</u> and there was some mention about some water park. What do you exactly mean by water park? Is that a pool or a water park?

John Sherman no, it's a water park is something that is ... we're putting in and maybe is too big of a word because we recognize this is more of a residential type; so we like to have a small miniaturized version on an area where the youngsters can play and have other recreational facilities; not only for the adults but for the kids to have a small water park. So we have a small area that we have planned on the site...on site. So, it's really not water park that you were thinking of down at PIC or

<u>Chairman Arroyo</u> any other questions? [None noted] Okay, we'll open it up to public comments unless we need to take a short break. Okay, let's take a 5 minute recess and then we'll open it up for public comments.

[Commission recesses at 3:00 p.m. and reconvenes at 3:10 p.m.]

Chairman Arroyo we're back in session. Okay, so let's start with the public comments. We have a signup sheet and we have nine individuals who would like to come forward to make some comments. We are also trying to get out of here in a reasonable amount of time, so I ask that you keep your comments concise and please direct them to the Commission and not to the applicant. When you're done, any questions that arise, and we'll keep note of it, and the applicant will then have the opportunity to respond to any of the issues that you guys bring up.

Can we just kind of go through this list in the order in which the individual signed up unless there is somebody who needs to ... time constraint and needs to leave early just please say something and we'll ask you to come forward. We'll start with the first three individuals on the list; Dr. Strong, Dr. Biggs and Mr. Gogue.

Dr. Strong, we'll start with you. If you could mention your name for the record.

Public Comments

Diane Strong (resident of Camp Witek, Yona) I testified at the unofficial pre-public hearing January 6th; and I have the 31-pages, single space comments and I'm very grateful to the Department of Land Management for producing those. I would like to complain that Chamorro is one of the two official languages of the Government of Guam. The general Code Annotated of Guam requires all board meetings to produce understandable Minutes; however, in the 31-pages, Chamorro was spoken nine times and not transcribed or translated. My apologies, I'd like to know what they said. I'm sorry I've lived here a long time, but I don't know much Chamorro. Undecipherable fifteen times, low audibility six times, inaudible noise or poor recording two times. The Inifresian (SIC) that's all thank you to Dr. Benedita Dungca was not recorded, but I think a lot of people have seen Inifresian (SIC). So that's my first complaint.

Diane Strong (cont'd) number two; in October 1999 Guam Environmental Protection Agency adopted the short form EIA as per an executive order and I'm sorry I don't have that citation. So, (umm) the current application included an eight page short EIA form as allowed by law when a project may pose only significant environmental impacts. However, the last page of that form says providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. I am just going on record to say, I believe we should have a full blown environmental assessment impact report like we do for the military buildup. And until such time as that happens and we can call give input to it and read in a timely fashion the information, I oppose this project and thank you very much.

Chairman Arroyo thank you very much. Dr. Biggs ---

Laura Biggs (with the University of Guam) I commented at the informal public hearing in January and to follow up on some of those items. (Umm) specifically question number six on the form; are the following critical environmental factors effected (sic) by the proposed project; and the answer is no, this project is not known to be within a reef flat. So I think there's a misunderstanding of the intention of that question. It's saying, are we going to impact the areas of the reef flat not that the property is on a reef flat. (Umm) so I would say that the property does have the potential to impact the reef. (Umm), there is, this reef is not (umm) you don't snorkel and see it to be looking like Tumon. It is struggling and the community that knows that. We talk to the fishermen and they know that. Umm, but I would not say the entire reef is dead. There are thriving sea grass beds that provide environment for juvenile fish and their critical habitats for those fish to grow up. The baby fish come in, they hide in the sea grass and they can move out when they're big enough and able to to survive better in that threatening environment. So they are important and it's a varying environment and it's an important one for our fishermen and they do rely on it. So, I think that question needs to be better addressed.

Umm, like I said at the public meeting in January it's in a tsunami inundation zone. I have (umm) great concern for how 900 people would be evacuated if there was a local tsunami (umm) or any kind of severe flooding event. So, if there's a local earthquake you could have tsunami waves come to shore within five minutes; so, how are we going to get 900 people out of that area in that amount of time and Guam is susceptible to local tsunamis. So, (umm) that is a significant concern. I would recommend that the property owners clearly outline an evacuation plan and provide it to all the residents (umm) of the property and ensure that they know (umm) being they are going to be transient visitors to Guam and that was something that was stated in the application was that this was not intended for local (umm) population necessarily.

(Umm), so commenting on the health of the coral reefs; (umm) Dick Randall is an expert in corals. He was...collected many many species of corals that the University is (umm) building into a massive bio-repository, and we're using a lot of his expertise (umm) to continue the wealth of knowledge that we have about our corals. (Umm) but he is in fact retired and has been for some time. There are many University faculty that can address the health of Pago Bay and

the vitality of the bay in a better way (umm) that perhaps (umm) has been the expertise that has been (umm) gathered.

So, I'm concerned about the impact of freshwater input in the bay. I think that this was brought up at the initial meeting, and I believe that BSP echoed some of these concerns in their comments regarding low impact development. (Umm) so there are mechanisms in place. Right now there are not, there's not massive storm water runoff into the bay because it's a natural habitat. It's able to percolate through the limestone, and we have a lot of cement (okay), there's going to be an excess of freshwater runoff. That freshwater isn't just freshwater (okay), it's actually really bad for the coral reefs and the fish and sea grass that live in that bay, and so I think we need to be kind of thinking in a more proactive manner in how we handle the water that would no longer be percolating and naturally absorbed or (umm) naturally running off into the bay and the river. (Umm) that there are techniques that can be implemented. (Umm), I can forward those to the committee. There's a we would be joining many implementing green infrastructure by promoting the development of these storm water management practices on this property, and I think it would have a positive impact on the bay (umm) as opposed to just doing things status quo.

So, wetlands that are being (umm) that are on this property; the developer has clearly stated that they will not be developing on that property. I have some concerns that how how that area will be protected from 900 people on a daily basis. So, we have people that are going to be in proximity to this area and we want to make sure that (umm) they are not negatively impacting this area.

I know some people are (umm) very interested in having a boat basin or ramp put into this area. It's not in the proposed project. (Umm), so seeing that it's not in the proposed application I don't know how it can be considered as a positive for this application being that it hasn't even been proposed yet and would also be subject to Army Corps of Engineering permitting. (Umm) they have to dredge for boats to be able to get out of the channel because there is significant sedimentation from up in the bay, up in the watershed; and so the watershed extends all the way from Leo Palace down to the bay. (Umm), so there's significant erosion issues that have caused that bay (SIC). (Umm), I have cleaned this beach many, many times. I was there last week and saw high water up to the grass and green debris crashing onto the shore of this beach (umm) historically known as Ensa Beach. So, I'm a little concerned of the developer's statement that there's weekly cleanups being conducted because I have been there in the last week and it was not clean. So, I don't know to what extent they're cleaning and if this is being proposed as we are going to do good for the community and clean this beach which has been stated in public, (umm) I would be ... I'm just a little confused as to where we're cleaning and what will be cleaned when the development is in place. (Umm), there are 99 percent of the debris that you see at this site is marine debris which means that it's coming from the ocean, it's not coming from our people. We've actually done studies on this to show that it's all coming from the ocean. (Umm), we have some debris that comes down and when the dump was in place maybe some of that was coming from the dump. There's very little impact from people barbequing or partying on the beach; it is all coming from the ocean. So this kind of re-states the...it's never...it's going to be a never ending problem. So I think it's not a small task to say that they're going to keep the beach clean every week, (umm) and I think that that's a really good thing that they're willing to do; but I think it's a very large task (umm) so that trash is going to keep coming in, and keep coming in and there's really nothing to do about it.

(Umm), so ... the...as I understand it the public access to the property would be restricted. Is that correct? So there would be the sidewalk that is currently on the property would no longer be used as a sidewalk for public access. Am I misunderstanding that?

<u>Chairman Arroyo</u> I don't believe at this time we know. They haven't addressed that and I think that's a follow up question that some of us are going to ask them when they come back.

Laura Biggs so as I understand that that was part of the initial permitting from the mother lot that that sidewalk was put in place as we have discussed that already today with the burial relocation. And so considering that was part of the mother lot permitting I would hope that that would remain in place and that that would not be closed off for public access. I frequent this beach for work, (umm) and part of our water shed initiatives in the community and I've been there when people come to fish for octopus; so, it's utilized and I think you would be doing a disservice to the community by allowing that to be shut off.

(Umm) so ... (umm) it was referenced that flooding and sea level are beyond the control of the developer. So, I want to make clear that sea level rise and flooding are two very different issues. Sea level rise perhaps we don't have control over, but we can plan for. We can expect perhaps a three-foot mean rise in our sea level and there's a lot of controversy around the different reasons for that; however, it's remised to say that we shouldn't be expecting something and planning for it so that we don't have to be reactionary in the future. (Umm) and so that's sea level rise which is very different from flooding issues. And when you lay down a lot of cement and don't utilize low impact development or permeable surfaces you increase the risk for flooding. So, we see that a lot of times due to the Flora Pago and other construction projects in Chalan Pago. (Umm), Mai Mai Road gets flooded massively; it's a raging river during a storm. (Umm) so I would hope that we would be thinking of those as examples that we could learn from and plan for more appropriately like creating an appropriate storm water management plan, and I don't see that in in this proposal.

(Umm) so, erosion is in fact a huge problem for Pago Bay and storm water runoff is a huge problem for Pago Bay. So that sight of your development will also be subject to erosion and storm water runoff issues. So, (umm) ... I think that's all I have for today. I can submit more written comments if they I should think of something else, is that correct?

Chairman Arroyo absolutely, yes. Thank you. Mr. Gogue -

Adrian Goque Hafa Adai Chairman Arroyo and Guam Land Use Commission Commissioners. Thank you for announcing this public hearing because I was looking forward to it. My theme for today is I am humbly asking Guam Land Use Commission to save Pago Bay. I'm going to do

my best on my end to do what I can, but the decision lies with this Commission right here, and I humbly ask that we save Pago Bay (okay). I will submit (ahh) my written article regarding Pago Bay, saving Pago Bay, and I do have my notes as I went through 123 so pages of the application. So if you don't mind sir, I would like to read some of my notes in response to the information that was in the application.

Before I start that I just want to point out that we all probably heard about the giant fish that ate Pago Bay; ancient Chamorro legend. Sadly to say, that legend has become reality today with the development of Phase I and the planning construction of Pago with Phase II or Phase II or whatever they want to call it okay.

So, going through the application on Page 4; FC Benavente's letter to the Commission states, all development will stay compatible with Gov Guam and federal regulations for this unique and special property. Note that the applicant said unique and special property. I know that! Okay, it's beautiful, serene Pago Bay. The lush landscape that was once there was destroyed with Phase I and we can never recover that. But, what I want to point out is will stay compatible with Gov Guam and federal regulations. This is a broad and generic statement. What are the specific plans and what are these regulations. In my little research knowing about this project, there are so many Guam laws under GCA Title 21, Chapters 61, 63, 64, 65; whether it's the Guam Zoning Law with Seashore Protection Act, access to territorial beaches and the shoreline, so much information that a broad statement like this doesn't tell me anything okay so I just want to point that out. And again, the developer acknowledges the use of unique and special property. So why permanently alter this beautiful unique and special property? And put twin monstrosities that would never naturally blend in okay. Ahh, if the Board can (ahh, give me a quick second here) the Bureau Statistics and Plan had their draft (ahh) released in 2009, and coincidently. they use the Pago Bay scenic the scenic view of Pago Bay as their title page. We will forever lose that with this development and subsequent developments that will come as a result the approving of this variance. Okay moving on.

Third paragraph of the FCB's letter; properties undeveloped, and should remain that way; case closed. Page 5, infrastructure, water, waste water will be provided by GWA powered by connecting to the existing GPA systems in place. I don't work for GWA! I don't work for GPA so I don't know what the infrastructure grid looks like. Again, this is a broad statement. What are the specific plans?! I'm just a commoner that lives in ... excuse me, my name is Adrian Gogue and I live in the village of Ordot-Chalan Pago....thank you. Okay, under the comparison table again on Page 5 it says traffic 344 parking spaces plus bus and van parking and 40 spaces for staff vehicle parking. The applicant's spokesperson said they plan to add four to five hundred jobs. If you have 40 parking spaces for staff and you plan to hire four to five hundred people, they have three 8 hour shifts, 40, 40, 40 that's 120 I'm sorry to point that out, okay.

My next question is is this project considered a single building in itself or three separate buildings made into one. You have the main building which is probably the parking structure and where the shops are going to be at. Then you have twin monstrosities fourteen stories and fifteen stories. Adrian Gogue's interpretation sir is that with what you consider are these stand

alone infrastructures (SIC) morphed into one which means the variance for the height is twelve stories because in an R-2 you are allowed three stories not to exceed 30-feet. So they're proposing fifteen stories as the high mean there. Adrian Gogue is asking the question is the fourteen storey structure and the fifteen storey structure considered as a whole or individual structures? That's the question I pose for the Board and the applicant because it does have a different computation when you're looking at the variance density for height and density for height.

Under parking, it says (Page 5 again) on the comparison table. It says Pago Bay Marina Resorts, plural resorts, carries off-island clientele who will be residing on Guam in a nonpermanent basis. I'm asking the question, the use of resorts is plural. Is there another plan resort that we don't know about separate from the Laguna Resort which is not a condominium, it's single family home, and the use of non-permanent basis could mean the clientele are visitors, tourists which leads to the next question is this project really a hotel fronting as a residential R-2 multifamily unit. So that's another question I'm posing. And when does a hotel in a serene neighborhood blend in. Sorry, none exist in Pago Bay today and none should exist in the future. We need to save Pago Bay. Again, Page 5 commercial areas and facilities are designed as amenities for the facility residents and their guests and may only be opened to the public with special invitations and accommodations. So, how is this development be beneficial to the community if they are only accessible to by special invitations and accommodations?! The developer is asking for variance that actually doesn't compliment the natural beauty and surrounding neighborhood. And if the variance is approved the developer will snub its nose to the very same community it would adversely affect! I can't even go down there on a Saturday morning with my wife and go to the coffee shop because they're going to put a gated community up there! I'm not a resident there! I live on this island. They're asking us, the residents of Pago to alter our quality of life for the sake building these monstrosities and then at the very same time be denied access to the people it's going impact!

Page 5, GCA Title 21 under Section 61617 it lists the variance requirements. I want to call out this because the the they inadequately answer any of the requirements that are required in the variance application. But I do want to point this one out is that it says the the uses of the words the property's owner or the public's right to untrammeled use of the beach and its naturally beauty that's a recurring thing so I'm just stating the obvious sir. Untrammeled use of the beach and its natural beauty. They put these monstrosities up natural beauty is gone, access to the beach gone. So I don't know how they can say that they're in compliance with GCA.

Guam Wangfang Construction (now this is the developer) Guam Wangfang Construction their letter dated 23 March in the applicant, the application states the purpose of developing the property described below for condominium which we've heard in the news and in the press now they put a hotel. Hotel is actually used in Guam Wangfang's letter to the ... as an enclosure to the application and resort complex. Again, condominium, multifamily, hotel, tourists, off-island clientele, I don't see the benefit to the local people that it's going to adversely affect.

Okay. Page 8 of the GLUC form variance application right. It says attach a one page typed brief and concise justification letter and explain the compatibility of proposed project with adjacent and neighborhood developments as they exist and the nature of the variance request in accordance with GCA 21 Chapter 61. I went through those required questions that the applicant is required to answer and those responses I submit do not adequately explain the compatibility of the project with adjacent and neighborhood developments. I can say this because I am from that area. I'm not someone that lives in other parts of the island and I don't see what goes on a daily (uhh) daily with the quality of life for the folks in the area down there okay. Again, I say in fact there are no buildings that exceed three stories height restriction. They're multi stories they're two stores (SIC) even Del Carmen apartments in the top it doesn't exceed the 30-feet height variance okay. It blends it. We may not agree with their location there but it blends in. It says what are the difficulties and unnecessary hardships to the owner. Well, my sarcastic response is the owner bought property that includes beachfront and seashore which is protected by Guam law okay. And now the owner wants to forever change the lush landscape. It's irreversible what they did with Phase I on the iconic scenic bay by building three monstrosities. Picture Pago Bay in your mind. Do you picture condos and hotels and monstrosities exceeding 30-feet? You see a nice serene bay, lush landscape, residential neighborhood, nice bay that's what we take away from Pago Bay not the irreversible commercialization of an area that shouldn't even entertain, I mean the Board shouldn't even entertain the application.

Okay, Page 12 on the affida....! just wanted to point out and maybe it's because of my age I can't really read well but on the affidavit either signature line is either blank or it's extremely faded on the affidavit. And what I'm referring to is the electronic copy that I downloaded from DLM's web page. Again, it could be just a matter of how it was scanned or copied in.

Okay, ahh, I want to add on to the environmental impact assessment short form dated 11 July 2015. First of all, who determines the use of the short form is that strictly the applicant's discretion or the Department of Land Management or combination thereof. Because it says for insignificant impact to the ... by the project. I wholeheartedly disagree. I wholeheartedly disagree. There's a lot of concerns whether you're reading... hearing it from Dr. Biggs, from Dr. Strong, from a commoner like me from Pago Bay okay. They talk about studies that I never even heard about. They talk about studies from someone that's not even from the island. They talk about studies that go to 2009. We're in 2016 that's seven years. We demand updated studies and surveys if they're going to impact this area. Ground recharge area I'm not going to pretend I'm a biologist, but here's the developer's response; the developer vouches that the project site is from the boundary of the northern Guam water lens area that encompasses the northern half of the entire island and the project is not suspected to significantly impact the water recharger. Again, I said I not with GWA. How did the developer come to this conclusion? Where's the data that supports this claim?! In fact, some research on the internet, recharge maybe impeded somewhat human activities including paving and development. That's what this project proposes it's going to develop that area and forever change it! These activities can result in loss of topsoil, reduce water infiltration enhance surface runoff and reduction in recharge. I just that out there for consideration. Watershed, again I'm not a GWA a person but it says the

developer's response is very lacking and does not provide the required information. In fact, the aquifer map that they provide on Page 18 is hard to read and the text is not legible, so I don't know what information it's trying convey.

Wellhead protection zone – the response from the applicant states further assessment is ongoing for verification with GWA. We heard earlier at the start of this public hearing that we are lacking some of the agencies inputs, the agencies that submitted their comments and so we look forward to the applicant's responses, but again, where's the update?

Moving on. I would submit this (ahh) ... I just need to ask is the Nypa Palm which is prevalent down in the Pago River is that something that should be of concern I don't know enough. Department of Agriculture I don't know maybe that's a question for them to weigh on. Nypa Palm is very beautiful. It's right there along Pago River. So, is that a concern is it something that we want to protect I don't know, okay.

Page 43 — this came up during the applicant's presentation; Page 43 which was a letter submitted by Micronesian Area Research Center regarding regarding the ancestral surveys that they conducted in January of 2008 thru March of 2009. And it said our ancestors' remains, our ancestors' remains, it talks about twelve that were excavated as a result of Phase I they will have a reburial and a dedication sermon (SIC). That is in the applicant, that's in the application Page 43 that letter that was submitted by MARC. That was letter was submitted in June of 2009, and sadly, I was saddened and I was actually embarrassed to hear that our ancestors' remains that were disturbed in Phase I we don't even know if they've been properly reburied to this day. So my question is, where's the reburial plan? Has it been conducted? And if you actually read the letter it says they plan to put in this escarpment south of Phase I. So, as you come down the hill there Phase I ends here. Laguna Resort there's a small drop off and my interpretation is that's where they're gonna intern (SIC) the remains of our ancestors, okay. It's embarrassing that our ancestors were exhumed at the expense of commercial development and they don't have the decency to do a proper reburial. This is seven years later from the date of that letter! And it doesn't matter if it's applicant, x, y z! We owe that to our ancestors!

Okay, Page 71 site development plan. So the Seashore Protection Act lists a bunch of variances they have to do between the high water mark to the next building over. Well, there is a building in in Page 71 of the site development and I don't know they put a scale there. I think it's 0 to 120 feet as an example and I don't have the proper tools looking at an electronic copy right. But, it doesn't put what that distance is from the high water mark to what looks like a pavilion in the water park area sir, okay. Yeah they talk about 120-feet setback from the high water mark to the main building, but there are other structures in the water park area that are closer to the high water marks. Again, I put that up there for consideration.

Okay, Page 109, they put GLUC's notice of action approved a condition on March 14, 2008. That was for Phase I. I don't know what business it has in this application. It is supposed to water down the the application challenges. They include letters from GWA, GLUC's notice to proceed; by the way, GLUC approved that Phase I with conditions. The question that I'm asking

is, were those conditions met? Because they had inputs from GWA, Department of Parks and Recreation, GPA and other Gov Guam agencies; they had, yes you can do this with these conditions and I'm asking, if they couldn't do this in Phase I, eight years later, are we to expect that they are all of a sudden going to have an epiphany and they're going to produce it for the sake of approving this application again?! There's unfinished business on Phase I. They want to ask for a variance approval for Phase II or III; I say wait a minute, wait a put the brakes on. Put the brakes on. We're not even done with Phase I. None of the stuff that was supposed to be mitigated in Phase I was had been completed, and if it is then we need to see that as a public so we can take a look at the documentation for review. Thank you for your time, that's all I have to say.

<u>Chairman Arroyo</u> thank you so much. Okay, so if I can kindly ask Ms. Joann Brown, Senator Nelson and Manny Cruz to please come forward. Then, Tim Perez ---

Go ahead and if you can state your name please.

Joann Brown I've actually on and off for the last 45 years have been a resident of Pago Bay. Collectively, my family owns about four lots three of which we acquired over the years and one that is actually inherited property. So, my lineage extends back many generations before my time. And I actually from the time of my birth lived in Pago Bay on the Magas (sp?) side. We have our family property right above the cliff line next to the University of Guam marine lab. So, I obviously have a lot of interest in Pago Bay, and have been over the years very vocal about maintaining at the end of day was the quality of life that I know, I, and hundreds and hundreds of fellow neighbors in Pago Bay value. I was very vocal at the meeting last month in January because had you all been there, you would have seen this multiplied. And it's really sad at the end of the day that the impacted community because many people as you are have to take time out of work to be here, cannot come to forum like this to express the concerns that they have on an issue that will have considerable impact on their life. Most of the people that are here including the hundred plus that were at the Yona public hearing last month; most people they're family home is their single largest investment. We're not multi-millionaires or billionaires. My wealth even will come from inherited property that I received from my mother from my grandfather, from my great-grandparents. And it's wonderful. I look at the bottom line how much that property is worth and it's like whoa, my little boy over there is going to do pretty good in his inheritance. But for me money is nice it's an necessity of life, I've got bills to pay, I've got mortgage, I've got car payment, I've got utility bills. But is this something I'm willing to sell the quality of life for my little boy; no. And that's what we're being asked here today.

I've sat through many of these hearings I mean for the years that I was a deputy at EPA dealing with development issues. One key that comes to mind as I mentioned last month in Yona was the Ladera Towers project because I was the deputy at EPA. I came on when that project was being constructed. And sad to say for the Land Use Commission and I agree with Adrian's concern we should go back and look at whether or not there was compliance with the conditions set because the TL....you know your group sets a lot of conditions. Over the years the ability to ensure and enforce that that happens is very poor. But there was a good classic example of

that. That had a capacity of over a thousand residents. Is there anything surrounding that area that is even remotely comparable to Ladera Towers? Even the University of Guam is not built to the height of Ladera. That was built in a location of existing residents in the BPM area that had low water pressure. One of the requirements the Land Use Commission set was for that particular project to construct two water wells with GWA. Years later, years later that had never originally happened. The upgrades to the sewer line did not happen. Mr. Sana knows that because we know family members of his that actually were impacted cause they live up there in that the area the Perezs' and the Munas'. Don't they live right across the street from GCC? The apartments that are there that couldn't get water to the second or third floor, at the time Ladera was constructed with all these conditions that were not enforced by this Land Use Commission.

So, you look at Pago Bay is there anything remotely comparable to what this applicant who should make me feel good, the rest of us from Pago Bay should feel wonderful because it sounded like everything was great. My quality of life, the quality of my family is going to be better because of this project. And on top of that I'm going to make more money because the value of my property just all a sudden just exhilarated. I should feel good about that because I've got more than one piece of property. I don't feel good about any of that at all. I've already had my land tax raised by the re-evaluation of Land Management last year. I pay more every single month of my mortgage because my property is worth more. So, do I think that's a plus for me who has very limited interest in selling my land? Because I don't look at it as investment money to sell and make more money. It's something I want to be able to pass onto to my son and hopefully he can pass that on to his children. So, what they consider a plus when the residents had to start paying more especially families like the Perezs' that own large land holdings. All of a sudden that cost gets passed onto their children, their grandchildren. Is that a plus for us? This project is not just a oh, it's a minor; you know it's a variance; it's like no big deal. It's a variance what's the big deal. The big deal about this particular project is it is going to entirely change the landscape of Pago Bay. Entirely change the landscape of our quality of life. And I expect, you know, I don't hold it against the consultants that come before you because that's their job, and at the end of the day they can do nothing but tell you how wonderful this project is going to be and how beneficial it is to the community. I don't see hundreds of residents of Pago Bay coming here saying oh this is wonderful we want this development. We want you to change our quality of life in Pago Bay. We really do.

Fourteen and fifteen stories high. We're literally....I feel insulted! You know Adrian's my neighbor. I have many neighbors here. And there's very little that we do that impacts adversely the adjacent landowner. Very little that we do in any way to impact their quality of life because there's nobody here that has come in and built something that has impacted adversely their neighbor. This project is an insult! Fourteen and fifteen storey high variance! Maybe in Tumon Bay we go what a wonderful project. Pago Bay?! I mean even though the Del Carmon project up on the hill was a a zone change. Back in the days I remember the Guam Legislature loves to do zone changes. But at least that project blended into the hillside. It did not take away the view. When you came around the curve at the Yona overlook so that us residents and visitors can go to the overlook and still enjoy it. It blended in. It served the purpose of the interest of those that wanted to develop residential community for people like us could actually live there. I'm no great

mathematician but, you want to spend seventy, eighty million dollars in condo project and do you think the average person on Guam is going to be able to afford to live there? And who are we doing this inconvenience, why are we being inconvenience (sic) so that off-island people can come in and enjoy Pago Bay at our expense. Why is that? And they say oh no it's not going to impact traffic. Well when I was in traffic this morning as I am every morning going to work, I get out into Route 4 from Chalan Inda, and I'm stuck waiting to get to through the intersection of Route 4 and Route 10, and then I get pass that and I'm stuck getting to the intersection at Island Fresh, bumper to bumper and then when I get pass that I'm on my way down to the Ordot intersection and I'm still stuck in traffic and the worse part of it is getting pass Ada's Funeral Home up to Sinajana! So he tells us it's not going to impact, and oh additional side lanes, so yeah with middle lanes so it doesn't impact. Well, let's not kid ourselves it's obviously going to impact traffic flow. And it's just not to ... where they going to expand the road to?! Can you do that all the way down to Agana?! Can you do that all the way pass University of Guam Route 10?! I mean that's a real reality for those of us who actually live there. I don't know if either one of these consultants live in Pago Bay. Our sense is not to just oh you know it's only us who should have and enjoy Pago Bay; those of us that are there those of us that already bought property. Many people have bought into Pago Bay; over the years have moved into that community. Back in the day those of us original families could outline the boundaries of who owned what. I mean my Salas family property was large enough to span from Maga all the way down to Pago Bay. You have this huge who owns the Sablans', the Perezs', the Marianos'. and you could match who owns what. So, no problem with other people but the other people that have moved in have moved in and blended with the existing the community; they were not offensive to their neighbor. They didn't build anything so outside of what we value. And at the end of the day if we can't have that here, what makes anybody think all this development is good for us cause we're being told that this project is good for us and I'm sitting here going in what way. What way do I benefit from this? What way does my mother who is almost 70 years old who has lived in this area for that long or my little boy who's only a few months old? How does he benefit from this development? And aside from the Andersons who are adjacent to this property because they're right on the other side of the river; we fall within that 500-foot radius. Rosita James and Joann Brown fall within that the radius of this development. We're closest to this development. I don't see how this benefits us at all.

We have a single family residential home. We have two properties that have single family residential homes on that property. We are not building anything that adversely impacts our neighbors, and our neighbors are not doing anything that adversely impacts us. This project, the magnitude of this project is so large and so out of character for our neighborhood; understandably we're angry cause you're talking about our lives here. We're not talking about investments. I'm not some off-island investor that's coming here who has you know 80, 90, 100 million dollars to throw around! Why do they have or why should they have a greater voice than those of us that invest our lives and live here everyday, who want to maintain and preserve the quality of life of ourselves and our family. So, I hope you seriously think about that and not elect this so called variance. If this project was at 3-stories and we don't have a choice cause that's what the zoning allows what can we do. But 15 and 14 stories high?! And then this developer talks about how because of the decisions of the Land Use Commission get to divide the

property one, two, and three, and now we're left with a 7-acre lot and we have no choice but to build up. I mean come on. Wangfang or however they want to call the title of their project bought all this property. And yes they could have developed it and spread it over this whole why did they do that? Why did they feel ... oh no we'll do all this, we'll do the single family ... you didn't hear much of a pip (sic) or squeak from the residents of Pago Bay about the single family homes. You didn't hear anything because we're like it's compatible. I remember the day when my good former colleague, I don't know if I should ... I could mention his name, Francis Santos wanted to rezone this very property; and Pago Bay came up in arms and said oh hell no! This was during the election that year actually back in 1994 when I ran for office. And they backed off because the number of people that came up and just said oh hell no because they tried to do a legislative zone change that's how long we've been fighting these issues.

I hope that you consider at the end of the day because you know what if this development does not benefit us, it is not good for our quality of life, it is not good for our environment, it's not good for the future of our children why are we having it here on Guam? To benefit outside interest? Why?! Because they say oh we're going What? What kind of jobs are we going to get?! Does that mean i can walk across the street! I don't have to drive all the way down for half a hour in traffic I can just walk across the street and get a job?! How many people are we talking about?! The latest construction of the hotel down in Tumon can more than adequately ... they probably don't even have enough people right now to fill the positions that they need with this sort of development would bring to the island. Forty employees? We're going to sell out the quality of life of all us for forty employees?! Tax revenue? Right? More money we'll spend it? It'll still be short. What do we gain? What do the residents of Pago Bay that have their life, their family, their biggest single investment in their property, what do we gain from this? So when you hear the strong opposition and it is strong; we're not all here today because we have jobs and lives. I mean I have to sign leave just to make sure because I don't want any misinterpretation; my boss thinks I'm mis-representing myself here, I'm here all by myself representing me. But please understand that at the end of the day what is all of this development for if you don't protect the quality of life of our people. Cause I do expect them to say everything is going to be great. But I tell ya (sic), at the end of the day we start pulling the files on land use projects that have been approved, and go down the list on compliance cause you guys have a very weak compliance area. It's so different then it was twenty years ago.

What guarantees do we have once the project is there. It's going to disappear? Look at the residents in Perezsville having to deal with that issue with those towers that were approved and adjacent to their residential homes. And those families have lived there what almost fifty plus years? What did they get? Their concerns about traffic, everything else they're still not addressed today. Water I mean in terms of even their water pressure in that area. You cannot even take care of the existing communities that have been there for fifty years who still suffer those problems. And then somehow this miracle project is going to come and make everything wonderful. I mean heck, I pick up trash on Route 4 on a regular basis. Occasionally I have to pick up car parts like I recently had to do because of the traffic issues down there right now, and how unsafe it is to get out on Route 4 from my mom's house because *God* forbid you know we're going to get rear-ended with all the cars and the speeding that go on down there. I

hope at the end of the day, because you live here, each of you do, your families are invested here, your lives are invested here on Guam, think about that because that's what we're faced with. We're the little people at the end of the day. My single largest investment is my home. I'm not a millionaire, but for me that's my that's my home and that's like that for many other people here. And happy to say at the end of the day that those of us that have lived here and have invested here, I'm not going to go away; Guam is home, I hope to die here. That our concerns are any less important that someone gets to come in and say you know what, oh we already get to do this but we want to do this too. And we're going to let the people of Guam here and the residents of Pago Bay say, oh this is wonderful you're going to love this project this is good for you and we're going to make the bay better.

How does this high intensity development as close to the shoreline and we know cause we've lived through the flood. Typhoon Pongsongwa (sp?) we had two-feet of water in our house. I live across the street. Can't imagine what happened to the Andersons (sp?), the Perezs', everyone that live on the other side of the bay. Took us eighty plus thousand of dollars to renovate our to house to return it back to its original state! So, this project that's right there you're going to tell me is not going to be an issue that close to the shoreline? I've watched it every major typhoon we've had. Ken you're a little further down the road in Chalan Inda. But, I've seen it. I've lived through it. I've had, we've had to renovate an entire house and all the possessions in it because of that but we're still there. Still home.

So I hope you really think about that when you make this decision. Because you know what money talks a lot, I know, I've been on Guam many many years. As many other communities, I mean money is nice thing. But at the end of the day I'm not going to sell the soul of my community for it. And to maintain the qua...yes we should, we should have no shame and coming before you and demanding that our quality of life be protected because we worked very hard for it. We've had to give up and sacrifice Tumon. And those of us that actually grew up at a time when we remember (and I know you remember) what Tumon looked like before the hotels. When we used to all be able to go down there. If we have to sacrifice Tumon why do we have to sacrifice every bay? This type of investment money can overwhelm Guam. You know they talked about oh Bordallo time when they build all these hotels. Well remember the projects during the Ada time when they would go all the way from Talofofo to Inarajan? There's enough money out there to make that happen. The question is do we want it or do we need it at the end of the day. How does that enhance the quality of life of our people? Where do we go home to?

So I hope you seriously consider that in making the decision. Because you know what they already got the advantage of the existing zoning why give them more. Why ... it's already (undecipherable) already! It's like you come to the table, esta (*meaning "finished, later" as stated in Chamorru.Info dictionary*) you're already in it, look what you're getting, you didn't even bring anything and then you're taking everything?! That's too much already. Why give them more than what they already have. Why give them this variance that will impact adversely the lives of so many other people that have done the right thing over the years, lived in a good quality environment, and have been good neighbors to each other. Why? I don't see the value in that. And money ... I'm sorry, I wish money motivated me to that I really do because *God*, gosh

think of all the things that I can do with all of my talents. But, it just doesn't at the end of the day. I mean I've gotta take care of my bills. Make sure the bank is not looking for me. But after that, quality of life of our people and as time goes on, demands and pressures go on are going to be more value in this community than anything else. So, I really hope that you really think about that at the end of the day because I, I I can't speak for all my residents I think pretty much we all have the same feeling. And you know we're the ones that are here. Good, bad whatever, we're here, and we're going to continue to be here. So, I hope you don't allow this variance at the end of the day because to change this only starts the beginning. Then it will be the next project to come in and the next project until that entire bay is changed from what we've known. And yes it is okay to preserve what we've had. It's okay to do that. I mean value is not all in concrete and asphalt. And we should definitely have a right to demand that that we have the opportunity to do that and don't give them anymore. They have a lot already! They could have redesigned this property! This is the only they own that entire hillside! And then they carve a little corner and say, oh you made us do it. There's thirty-two percent of vegetation there that they can't because it's wetlands. That's our justification we've gotta build a fourteen and fifteen storey building and it's really good for the residents. How is that? Don't let them build anything that's not compatible and respect us as a community. If you want to come in here then respect what we have and blend into that! And then you're a good neighbor and we're all good neighbors. But, what they are asking to do, this monstrosity they want to build is just totally out of character. Totally out of character with our community. And I hope you do not support it. Thank you.

<u>Chairman Arroyo</u> thank you very much, appreciate your comments. Mr. Cruz, if you could state your name please.

Manny Cruz (Manuel Cruz) I'm a long time resident I'm a landowner of Yona; I live in Camp Witek, Yona. First of all, when we had that hearing in January I thought it was for the community of Yona to be a to be consulted and to have what they feel about this development. But as it turned out it turned out to be an island-wide hearing. So, the people of Yona was supposed to, to, to, to testify didn't get a chance to testify because a lot of outsiders are there to voice their opinion. And of course when we're looking at this project it's on this side of Yona of the river. So in otherwords, it impacts our village. So, we were wanting to find out what benefits can we get out of this project and that's what we were looking at. Now, if you look at the other side of the river that's worse off it's with a slope (?) area if you compare it to this side of the river. So let's not fool around about (you know) what's what's quality of life. Let's look at the other side of the river and see what kind of buildings they have there. Are they really amenable to the, to the, to the quality of life the people there ... you know, have. So in otherwords, we're not looking a Pago Bay as a whole. We're looking at a part of Pago Bay which is, which is part of the Yona area. So, when we were supposed to come to that meeting we were looking at what kind of benefits the community of Yona would get out of this project. And of course we have a lot of fishers because the Yona village itself is still undeveloped because of the fact that a lot infrastructure are not in place (you know). The sewer line ended my there in in in....at MU Lujan and so forth and it didn't go beyond (you know) In fact right now we still have a lot of areas that do not have sewer lines. So in that respect, we are looking at this project maybe as a

beginning of development that would go south and have our people in Yona (you know) some place to go to instead of driving all the way down to Agana or Tumon Bay for for whatever. So having something closer to home (you know) ... and of course we're looking at possibly employment that this project can give to the community of Yona. So in otherwords, what.....of jobs....can they provide us. But most of all we're looking at development that this will improve...I mean if you look at this area if it's going to remain like that sitting there like trash it's not it's not helping the the value of that area. But if you see something being developed there and making the land more manageable okay and that's what we're looking at. You know we're progressing we're not regressing on this island okay. We're supposed to progress and look for things in the future that will benefit us and our children. So let's not remain stagnant and that's what's happening right now things are just remaining stagnant. Even at the Laguna how many homes have been built there at the Laguna Resort because of the fact that the land maybe very expensive. But still, and you know back in 2007 I was expecting maybe the entire of island Guam will come to find that that Development because it really took off everything they're talking about today. About the crabs going across the the road and so forth. When that project came to be it it it Practically tear....every, every passage that the crabs have (you know) in that area but nobody (you know) challenged that that thing in 2007. So now we come to the third part of this project so to speak, we're looking at them beautifying that whole area instead of looking at that whole side as being undeveloped because of people that cannot afford to build their homes there. So we're looking at possibility if they're going to have some amenities down there (you know) with this project, you know, the people of Yona can benefit from, take advantage of. Hey, that's what we're looking at. But the whole thing is we're looking at the long term (you know) benefits that the people of Yona can get out of this. And we're looking at the sewer line moving further (you know) Yona. We're looking at electricity from GPA (you know) so that we have half of the village depending on on on lights and so forth. So in otherwords the whole of Yona has not been unified or developed in a sense so that ... since urban renewal, it remains as urban renewal you don't see anything being developed there because of the fact that lack of infrastructure going through the village. So in a sense when I looked at the requirements (you know) of a public hearing that will benefit our community that's what we're looking at. We want to get what the village of Yona can get out of this. So that's what we were supposed to be then we were overwhelmed with with people that are opposing the project, not the variance, they're opposed to the project itself. They don't want anything in there. Which to me they can't stop the developer from building a three-storey condominium or up to the limit of twelve stories; forget about the variance this is the problem. But the fact remains that we cannot stop the developer from building what will look very appropriate for that area and for the community itself. So as we drive down there we're just looking at that empty spaces and not really looking beyond (you know) so called (you know) vegetation that used to be there, but now there's there's nothing there but just sand and and gravel. So, we're looking at not stopping development we want to move forward with this development because it will benefit our community in Yona and maybe beyond south. But Yona itself needs something like this to be to be close by so that we can go down and enjoy life as everybody else and we don't have to drive all the way to Agana or all the way to Tamuning to you know. So we expecting that some development like this will benefit the village and the community of Yona per say because Yona is gradually as the young people begin to to you know get money as some development

up and so forth. But the fact remains the infrastructure has not reach (sic) us. So that's why we look at this development in Pago Bay, you know, as the further the lines of of the sewer line for example and the electricity so that we can then be more dependent on on this type of of infrastructure that needed so long ago and was never really given to us. So, that's more or less why why I wanted to to express to the Commission; you know listen to the community of Yona okay. We are not opposed to this development per say. We may be opposed to some of the things that they were talking about but we need some new development popping down there so that we can then enjoy life just like everybody else and not remain like you know a third country existence that we so we now we always passing by there and so forth, but if nothing nothing happens it reminds me so much of the south. You know, the south really leaves something to to to depend on. That's why they're all moving north. But if something down south, then they'll remain there because they like it down there. But they're all moving out of the south because of the fact that they want the things of life that Guam offers. So, you know, you see a lot of tourism (you know) and developing ... tourist and developing and that's why I look at the south is coming up. All these cultural activities that are moving up because the people are beginning to say we need some of this type of activity down south. So, let's share the wealth so to speak, you know, and not just concentrate in Tumon. Let's share the wealth and let everybody, you know, equally have the benefits of the good life and not just a few. So that more or less is what I'm testifying to day; but there are lot of things that we can look at that that development down there and even right now with the erosion that 1 when I was with the Department of Agriculture I I express the concern about that erosion what they should do with that erosion control. Did you know that that wetland in the back of the river so called, it's like an area, you know, it's dead and so forth. Why don't they convert that to a ponding station you know and basin and let all that fresh water go in there and and would would benefit. The wild life and so forth. But that place behind the river really need to be looked at. It's wetland but it can become useable if they divert all thatrun....water that's coming from the mountains divert all that water into that area and make a ponding basin just like Fena. Make that into a ponding....and all of that you know erosion and so forth will go right into that and not into the river itself and out into the ocean. Maybe the developer can look into that possibility and do a study for us on how to a control that erosion by converting that whole area because I don't think it's useable for any development but for a ponding basin. For, for, for standing water to remain there which will benefit the crabs which will benefit anything in there, but that's something that you know, if we're looking at making that whole area naturally as it's supposed to be, hey, let's look at that possibility. But for us, you know, like I said we need to see development moving south, you know, so that it will benefit our community. So, we're asking the community of Yona to, to, to comment on this this is really what we're looking at. We're looking at quality of life and we want to look at our own situation and see show this development can benefit us in the long run. And if this is possible then I am in full support of this project with except for the variance if not an issue of the variance, okay, and also the wetland issue, okay, if that can be resolved but because we cannot stop the developer from putting anything in there but we'd rather have something in there and not just a wasteland because that's it's looking at right now it just like a wasteland. So, something is developing in there, hey that's what we're looking at. We want to move forward not move backward. Thank you.

Chairman Arroyo thank you. If you could state your name please.

<u>Timothy Perez</u> Hafa Adai, a resident of Pago Bay for 52 years. I'm sorry, I'm not as articulate as all these other guys so I'll read what I wrote.

My mother who is 92 and siblings have been living and currently in Pago Bay since the early 60's. My family has served working for the government in education, procurement, police and fire and the Legislature too. I am the only one and my oldest brother who are in the field of private business. The bridge road access to Pago Bay was named after my father the late Francisco F. Perez. We have utilized Pago Bay beach and the river with fishing, crabbing and swimming in the past; but this has changed for us. We can't use it anymore everything's private and the beach is nil. You have the access road, everything, the intrusion is strong. I'm currently employed with Coral Reef Marine Center and I have been in the recreational marine business serving Guam, the Northern Marianas, the Micronesian island boating community for over thirty years. Commercially, I currently serve the U.S. Naval small commands, the U.S. Coast Guard, the Government of Guam marine department agencies. For myself ... for myself I am in favor for developing the residential living and the upgrade facility enhancements in Pago Bay. I have been working with the agencies within Gov Guarn and the staff of the Pago Bay Resort to put a launch ramp for the residents of the island plus situating a boat house for the command police marine patrol and Guam fire rescue. This will help with a closer police and fire presence in our area. We would also like to develop a boat marina and possibly a fishing and building platform on the Yona side in front of their property. Most importantly to clean up and bring back the life into the bay. The benefits would be tremendous for the people of the island and the boating community. Currently in Pago Bay there is no beach/sand to utilize for the general public. Private ownership of the beach property, driving or walking to the open areas is not available due to the waterline intrusion of the bay. Yesterday, I just walked the bay down to the river bank. The water level intrusion has already come in 40-feet from what I used to remember for the past 40-years; so it's coming (you know). The world is changing for us a little bit. The World War II pillbox that I used to play in when I was young is now 15-feet into the bay. All the public facilities such as the pavilion, the restroom have been damaged or destroyed by acts of God or vandalism. You can't even swim in the river because of the green waste debris where trash from neglect. On the Yona side, the silt and green waste debris has covered most of all the coral life. I'm working with a good friend and a marine expert to put coral back into the island; we're trying to develop something. Because the water is my life, what I do is my life for the water. All in all, the problems will continue if we do not find solutions in Pago Bay. I may really only sound like I'm only interested for the benefit of me and the business that I am in, but it's not true. I have seen development with many new homes on my side of my of the bay which is the north side (okay), north side of the bridge. With these changes with all the families and the development of new homes, my family has been affected to this date because we've been there since the 60's. I still shower in a water bucket because my pressure and everybody's changed everything. Today I had met with PUAG to put in the line; they said we can do it but it will take many, many years. So, I have to go find a private person to relocate my water meter to get to the areas because the development of Pago Bay has grown for either special interest and people who just want to move there. I know what it is to live in a growing development not even on a large scale. Now

I'm paying a local company to privately relocate my meter so I could get hot water to the house. I'm not (undecipherable) blaming the government for efficiencies, I mean for the lack of efficiency, but our island has grown so fast after the war that it cannot accommodate all this influx of people. It looks like the government is starting to improve now, you know, over the time, but it will take time and we needed the help of the private business community.

Being in the marine business, I've seen the development of boating and marina communities thrive. Australia is a very good example which is closest to us. The U.S. marinas especially in the west and east coast enhancements for the communities generate a lot of revenue for its area. They still work on keeping and preserving the history aspect, the wildlife, the fishery, everything that the water provides. Pago Bay is in the middle of the island and is an ideal location. Hagatna marina is a prime example of being in the middle of the island. Should this project be allowed, this would be a footprint for all of Guam to follow in the future. It would be nice to develop marinas in Yona, Talofofo, Inarajan, Umatac, Malesso, where everybody can go up and down the coast because we can't go to the beach anymore so we can boat though. We can go boating and utilize it get around.

Again, the benefits would be tremendous. I know it is hard to change and let go, but if it is done right it will help our children and the families of Guam or whoever wants to call Guam home. Thank you.

<u>Chairman Arroyo</u> thank you so much, appreciate your comments. Let's get to the last three individuals on the list. Monte Mesa (if you can come forward), Ken Collard and Doris Aguon; if you can come forward please. Monte, we'll go ahead and start with you; if you don't mind a little attention, please state your name for the record.

<u>Monte Mesa</u> yes thank you (my name is Monte Mesa) and I'm here as a private citizen, but also I will speak also on some of the different hats that I wear in terms of my involvement with the community.

First of all, it's great that this forum is provided. This is the process and we hear both sides of the issue. There are many concerns that were brought up; I heard from some of the speakers, and I think it behooves the committee of course to really look into that. But, I'm here again as a proponent for a positive and well-balance development. Part of my mission as a resident; and I have children that are growing up and I want them to come home and live on Guam and raise their family as well. We want to look at positive, well balanced development, and I think that with the comments that were made earlier about some of the concerns I think that those should be looked into. However, from a different hat now and in looking at my role at the Guam Visitors Bureau and looking what we could do to continue to attract visitors to Guam, we need to have a balanced accommodation structures that would accommodate different tastes of the global community. Guam could be a global attraction and we need to look at accommodating the different types of families that find Guam as a very ideal, tropical destination.

Secondly, as my role of the Guam Economic Development, we also go out and this is one of our missions which is part of the strategy that we hold in looking at positive well balanced development for Guam, we go out and encourage foreign investors. We've looked on island for local investors to do projects such as this and nobody could step up. So, we have a mission. We go out. We go to different countries for trade missions to look again at companies that want to invest their money on Guam. We invite them to come to Guam. We know the rules and regulations; there are things that they need to comply with, no question about that and this is the process. We want positive, well balance development that will comply with what rules and regulations are set for and considered. This is what we need to continue to do as we continue to move our island and keep the economy going. Because yes we have children, and our children will continue to grow and we want to make sure that there are positive, labor and job opportunities as well. And this is another aspect of a project like this. And again, the economics of this project will contribute not only to the local taxes, but also sends another message out to other developers that we're talking to or other investors that are looking at Guam. We want to make sure that this process that we're going through is well balanced and the concerns of, of course of the community of the area that is being considered would also be addressed.

So therefore, again, I wanted to address the committee here to look at this and also look at the strategy that we are developing both from what we're doing at GVB, what we're doing at GEDA, and again looking at the future and continual economic activity for Guam; positive and balanced. Thank you.

<u>Chairman Arroyo</u> thank you Monte, appreciate your comments. Sir, if you could mention your name for the record please.

Ken Collard yes Commissioner, Commission members; my name is Ken Collard and I am a homeowner, landowner at Pago Bay; and I am opposed for the ... to this application for a...for this project. Besides the informative and passionate that's been presented to at the informative meeting back in January, but after today I'd like also to take this one step further. The construction on this thing, I have not heard the applicant mention anything or any kind of details on construction phases nor the impact that the construction is going to cause the community as a whole. Its footprint alone is going to be significant. You start bringing in equipment down Route 4 over the bridge and into this area it's going to affect, and it doesn't matter what they say it's going to be significant impact to the road, the bridge, the traffic, everything that we have to deal with down there on a daily basis right now.

Let's take this one step further. We are working in a flood zone in wetlands. What are they going to do to mitigate the height, the elevation they're bringing up their their buildings to so they're not going to suffer any flooding or even a tsunami. (Umm) the amount of fill that's going to have be brought in and that's probably even before/after piling is going to have to be driven. We're.....the piling alone is going to be something that's going to detrimental to the whole area. You're going to be able to feel that being driven from all the way at the top of the hillside in Yona overlooking the Pago Bay all the way to the to a ... UOG. Not only are you going to feel it, you're going to hear it. And what this is going to do to the homes in the area; the homes that are

over sixty years old, to the new homes. There's going to be a significance. Are the applicants going to come ... the homeowners for structural cracks in their foundations, their homes, I mean their walls and their ceilings. This is something that's going to have to be ... a lot of times does not it gets passed over. People don't understand what happens during the construction phase; this is going to be almost a year long project. The cause and effect on what this is going to do the people to everybody in the community is going to have a significant impact. The current environmental impact assessment (EIA), well, and if you'll indulge me please; the homeowners, the landowners, from all the way to the top of the hill to Pago Bay we're part of that environment. That environment is part of us part of our daily lives. It's going to affect us. And I agree with all the testimonies that have been presented. There's the water problems, there's going to be traffic problems, sewage, power. Sunshine and rainbows aside, and I'm sorry I don't agree. There's going to be impact and if we're told there is not it's incorrect, I disagree with it. But as a homeowner and all the homeowners that have a, have a ... their most significant investment in the area, this is going to have an impact on them. I don't want to hear pile driving for the next six months. I don't want to have to feel it on a daily basis. I don't want to have my children to feel it on a daily basis. But, they're going to do it in an area when they hard line it for, for bring in this foundation plus the fill, it's going to be a, a, a, well it's going to affect everybody plus the traffic going over that Pago Bay bridge. They're going to be bringing cranes, dump trucks everything over and there's going to be a significant impact to that bridge. I don't know that if it's engineered to compensate for this and all this capacity. That's a ... coming down that hill ... because mostly ... most of the construction equipment is going to be coming down that hill from Route 4. It's a not a lot enough thought has gone into this thing nor has the applicant even crossed this bridge on what's going to happen throughout the construction phase. That's where I come in. And that's ... to me is one of the most significant impacts that the area is going to be. So as ... I request the Commission Irequest that the Commission deny the applicant's request. Thank you.

Chairman Arroyo thank you, thank you so much.

Doris Aguon I am a constituent of Yona, and I am here in support of the developer that's happening. I've heard all the testimony and everybody has explained the environmental impact; of course. Anytime you do anything and a developer comes into Guam, you're going to have to go through the whole Guam department of Government of Guam regulations. But another thing that comes into place is also the federal regulations that you have to go through also. So, there's two kinds of regulation; this is so regulated that I just feel that if the ... if both sides, I mean, I mean ... my respect to the Chalan Pago people okay; but if you have a lot of concerns, I think a lot of these questions needs to be addressed. Put it as part of your asset mapping so that you know the developer can at least address it. I mean, put it in writing because we can't keep talking about it. So, how can we make it a win win situation? Umm, because you know I'm looking at it as if you write it down, you put your cons and I did my pros because I'm from Yona and I drive down that hill every single day. My family has lived in Yona forever, and that's why I know it's going to have an impact in Chalan Pago...umm, not only in Chalan Pago, in Yona because we're right there we're southern, and so we're going to go down that hill going through whatever traffic has to happen; but the question here is, if the developer can work with the

Department of Guam and the stakeholders here then let's make it a win win situation instead of just arguing it for the sake of arguing. Because what is the question here? The question is not about the development it's the question of the height and density and I keep hearing about the height and density; so, it's not about developing the product. So, we've got an investor coming in island, they're spending millions of dollars. We need job opportunities. How will the University of Guam student, GCC student, high school student are going to be graduating every year. There's not enough jobs here. Why does my ... in my side ... I mean...my son was working down in Tumon. I have to drive all the way down to Tumon to even go work at the restaurants down there. Why do I have to do that? Because he doesn't own a car, he's still a student going to University of Guam. The University of Guam can even come in and do internship or whatever, you know, for whatever. But at least it can create job opportunities. It's going to create economic development; that's more taxes coming in to improve the infrastructure of Guam. No matter how you look at it whether they put in one million dollars that's going to automatically impact Guam. So, umm...and we want to continue to encourage all these investors to come into Guam. I mean, you can even be promoting Guam. Why are doing all this, why are we spending all this money out there to go out and promote Guam? So investors can come in and ... because need all that income to come it to provide what? More jobs. To provide what? Economic development so that the people of Guam can realize it. So if the developer is going to spend that money on infrastructure whether it be sewer line, water line, power line; hey, if they're willing to pay for it? So, what's the problem? And like I said again, address everything, put it on an asset mapping, list all down so everybody's concern is addressed because it's gotta be a win, win situation. Thank you.

<u>Chairman Arroyo</u> thank you ... appreciate it. That's all we have on the sign up list. If there's anyone else who would like to come forward, please do ... come forward.

Jesse Gogue Hafa Adai, good afternoon Commissioners. Obviously, I didn't sign up. My name is Mayor Jesse Gogue, I'm the Mayor of Ordot-Chalan Pago. And it's kind of interesting especially the last few speakers talking about, you know, this is Yona and this impacting Yona and etc, etc. You know (uh) as the ... as Commissioner Limtiaco had asked and I guess the planners have verified, Yona's village Municipal Planning Council did not submit resolution regarding this particular project; however, you know, I wanted to make note if you haven't already seen it, that the Municipal Planning Council of Ordot-Chalan Pago had actually submitted a resolution with regard to this project. And it's not because it's Yona or it's Chalan Pago it's because the impact and that there's no, there's no ... I think it's a clear understanding that you know adjacent, adjacent villages have a symbiotic relationship. So, what happens in Chalan Pago will affect Yona, what happens in Yona ultimately has an impact on a on (ah) Chalan Pago. Likewise between us and Sinajana; between us and Mangilao and to some extent even us and Mongmong-Toto-Maite and us in Asan. We border each other in certain areas. And you know as Joann Brown had mentioned, you know at the January public hearing there were over hundred people there. Manny Cruz mentioned that he thought this public hearing was just for the Yona residents with regard to understanding the project. You know, I believe that the whole purpose of the public hearing is to get the people who are going to be impacted by this project to come and listen and understand the impact. Now, Ordot-Chalan Pago is not opposed

to development. We're not opposed to them bringing in infrastructure and improving infrastructure. But the....you know when you're asking questions to the (ah) to the applicant or the representatives of the applicant, you know, one of the key words that I heard several times given by Mr. Sherman himself is well probably, well probably; and that's really where we have problems. The word probably you know as opposed to this is what we will do, this is our commitment and that we will not proceed until these things are done and that these impacts are mitigated is really where we draw the line. Because often times we talk about development and the approved development and infrastructure has to catch up. You know, well, in this case we allowed 304 units being built you know on that small piece of property the impact is evident and how long do the people of Ordot-Chalan Pago have to wait in order to mitigate the already existing problem that they realize today. Now, we want it ... I agree wholeheartedly with Tim Perez whom I've known for a long time; he is a constituent of Ordot-Chalan Pago. It would be great in fact I've had this with Parks and Rec and the Department of Agriculture about the viability of putting a marina or boat ramp, you know, and cleaning out the channel out to the Pago Bay mouth, the mouth of Pago Bay so that we can have boats access, you know, have central access similar to the Agana Boat basin in and out of Pago Bay especially rescue missions. But, do we need a 15/14 storey building to do that? Do we need to ... I mean if that's the condition that the only way we're going to get the marina is to build these two high rise towers then what is the Zoning Law intended for? The Zoning Law is intended to protect the public welfare; the health, welfare and safety of the public; we are the public you know. And, and, and, and are we compromising those sets of conditions in order to get a marina, you know. I just don't see I don't see the balance. And if you have the opportunity and I believe in your packet if you can take a look at what the architectural schematic of their proposed project, you know, on their shoreline you see you know these little people you know along the beach and they have some beach chairs and all that stuff and then believe it or not, if you take a look, pay attention to architectural drawing of this a ... of this proposed project, on the other side of the river they extended that. They extended these little people with beach chairs and all that stuff enjoying the sandy beaches on the other side of the river. And for us, allowing the zone variance on an R2-zoned lot is of real concern because in our resolution we highlighted the fact that there are seven R2-zoned lots on our side of the river, our side of the boundaries on our side of Pago Bay. So, we allow a variance, a height and density variance; in fact if we allow to exceed even the the the density variance of their proposed lots who's to say that all of these other R2-zones lots want to apply for this same types of variances, and then instead of having two high rises, you know, we can potentially have nine high rise towers on the nine known R2zone lots that exist in Pago Bay today, in Pago Bay today. And so the question is, is that the kind of precedence we as a as a government you as the Land Use Commission want to set for this, you know, this bay and the impact it will have on the quality of life that currently exists in Pago Bay. You know, we have low density, and maybe even to some extent, one might consider moderate density housing not this high density condominium type ... umm, umm, living that exists currently today in Pago Bay. And so that's my concern is the kind of precedence setting this approval would allow. I have, I have ... I mean, let them build their, their little store to service that community. Let them build their coffee shop to service that community. Let them build and we're not stopping that but keep it at three stories. Keep it at whatever the zone allows today; otherwise, apply for a zone change. You know, so then I can say that anybody else who

owns R2 lots if they want to do something similar then apply for a zone change that allows for that kind of activity. Then I hear Monte Mesa talking about balanced development throughout the island of Guam, and you know, GEDA has gone out, you know and and tried to seek foreign investments to do certain things on this island. And so if you take a look at a couple of their trade mission umm, umm handouts that they've done, in there you'll see this project with these two high rise towers for this Pago Bay Marina Resort! So, have we put the cart before the horse? That we are advertising even before the approvals were given? That again is a very dangerous precedence setting type of activity that you're advocating for something that really was even permitted to to occur on this lot; that it's limited to three stories, 30-feet structures. It's limited to a certain density based on the overall area of the lot itself. And I'm just asking the Commission to enforce the Zoning Law; because otherwise, you know, we, we ... what's the purpose of the Zoning Law. Are we truly protecting the health, safety and welfare of the public, that we are the public. That these people that live in Pago Bay whom I represent at least on Chalan Pago side will be affected ... you know ... in all those three areas from a development of such high density. You know, to have a three storey building doesn't preclude them from having a restaurant. To have a three storey structure doesn't preclude them from having a coffee shop. To have a three storey structure doesn't preclude from doing all these other things. That are we compromising what they're saying they're going to do and that they're only going to do it if we give them a fourteen, fifteen structure. I, I....it, it it doesn't, it doesn't, it doesn't computate (sic) with me. And as my cousin not my brother Adrian had said, you know I'm a simple guy too you know, and I look at things from a very simplistic point of view. And more importantly, I listen to my constituents and you know....there have been an overwhelming number of my constituents and we occupy (you know) we we have the largest population base in the Pago Bay area in comparison to the population base on the Yona side of Pago Bay, and even the Mangilao side of Pago Bay. Because Mangilao actually has some of the shoreline of Pago Bay. We have the largest population base, and you know, I...I...I support you know Tim's desire to help the developer promote and advocate for the construction of a marina that will allow boat access in and out of the bay. That's a great idea. But do we need a fifteen, fourteen storey building you know....ah, ah, in that piece of property to build that marina. In fact, if you take a look at a lot of the shoreline communities in the States (you know) that have marinas. That, that individual homes have their own (ah) piers to park their boats. It's not because they have a fifteen, fourteen structure it's because that's something they wanted to do and they proceeded forward with doing that that this approval shouldn't be this approval of a height and density variance shouldn't be the reason the only reason why they build a marina. That to me those two are mutually exclusive. And so I just I just you know as many have said you know, ah, ah, here today that are opposing the project... we're not opposing the project. Let them build a marine resort. Let them develop the property. But what we are opposed to is having a fifteen and fourteen storey umm structure in an area that that is is you know a quiet low density and some might even consider moderate density but definitely low density type of ah ah ah way of life that they've enjoyed for the last fifty sixty years. Who are we to allow that kind of disruption for the over three hundred families that currently live in Pago Bay. You know, we've got six families on Yona side now with the Laguna Resort; but the rest of them are all in Chalan Pago, and they're the ones who have to put up with this day in day out if we allow that kind of construction in this bay. And so, I just ask that that be considered. And I wanted to be the last

speaker only because I wanted to ensure that everybody here took time off from work, you know, to come and give testimony in an unofficial capacity was allowed to do so. And had we done this in the evening, I can tell you as as many here can verify that you would have just an many or just as many people here at this hearing listening and articulating their concerns as there was up in Yona. You know, uhh, they weren't even prepared for that number of people that showed up because of their concerns on this project and the impact it will have on Pago Bay. So, we're not opposed to development. Build it. In fact, your three storey buildings are for hotels build it. I mean, I've seen hotels that are three stories high. You know go to the United States. Ramada Inns are three stories highs (sis). You have some high quality hotels that are three stories high. This does not have to be fifteen, fourteen stories in a, in a ... area that's predominately low density residential homes. So that's all I have to say and I thank you for your time.

<u>Chairman Arroyo</u> thank you, appreciate your comments. Any other ... anybody else who would like to come forward and say anything? Okay, so this time we'll close the public comment period and I'll invite the applicants to come back up.

[Public Comment period for this application was closed by Chairman Arroyo]

Commissioner Limtiaco Mr. Chair, can I make a comment?

Chairman Arroyo sure go ahead.

<u>Commissioner Limtiaco</u> for those who are still here and testified; I heard several people say that they attended the January unofficial public hearing. That is not an unofficial public hearing. It is an official public hearing and it is included; the comments and summary of the public hearing was included in the entire packet. So, there's absolutely nothing (umm) that is unofficial or that has been overlooked about that public hearing. The voices and the sentiments were heard, and I just wanted to make that clear to everybody. It was not a waste time for anybody.

<u>Chairman Arroyo</u> okay, so you've heard and this is what you asked to do. You've heard the sentiments of the ... your neighbors those that both support and oppose what you're planning to do. And so what we'd like to do is give you the opportunity to respond. I'm sure you've taken some notes to respond to some of the issues that were raised. I think what we'll probably end up doing since we're getting close to five o'clock is we'll go ahead and address those issues and then we will most likely will probably have to recess and reconvene at a later day.

I don't feel that we're in a position at this point in time with the information that you've provided and with the information that was provided to us from the community part that we're in a position to make a decision on this application. I believe that there was some information that was requested by the Planning staff that we're waiting for you to submit. Also, you had given us just today, your replies to the ARC comments and we need some time to digest those as well. And there are some other concerns that the Commission have...has that we'd like to bring up with you and to see how you can build those things into your request. So, what I think we'll do today

is ... at this point in time is allow you some time to respond to the comments that were made and then after that we'll recess for the day.

John Sherman thank you Mr. Chairman. Certainly, (umm) as expected, there's some good comments and some closing comments to each of the points of views. Obviously, there are lots of sentiments some valid some more factual than others. It probably a good time that we take a break at this point in time and give ... also allow us to prepare appropriate answers in respond back. I go back to the list of items that I just jotted down, but it would be best that we take a break at this time and also thank the people who actually showed up; took their own time to come out and provide us inputs (sic) like this. I appreciate it both pros and cons. Give us the time to prepare a formal response perhaps in the next hearing, and we respectfully request that we do this at the next hearing.

Chairman Arroyo thank you appreciate it.

Richard Sana I (uh) I...I just received this via email from the Guam Fire Department and will submit this but the signature did not show and I and I emailed back the guy who sent it asked him...and I told him to resend it because the signature ... it has to do with a printer problem. There's it's signed but when you print it here it doesn't show up.

<u>Chairman Arroyo</u> members of the Commission is there anything that you would like to see them provide to us the next time we meet if you could just let them know.

Commissioner Limtiaco okay, I'll start. So, a lot of the public comment from both the village public hearing and at this meeting, the public comment from this meeting as well as some concerns from the Commission; it focused on the previous NOA (Notice of Action). So initially, I wondered whether the previous NOA is even valid since it is a separate NOA, it's a separate lot. That was one of the reasons why I asked that question about why this application was not considered as a PD. Why it's so, for the lack of a better term, so cut up. So, I think we need to address...excuse me, let me back up. If you want to address this application and be able to address issues attached the mother lot (that was the term that you used) then we really need to go back to the NOA that was issued and find out whether or not we are in compliance; whether all the boxes are checked, then we can deal with the ARC comments and of course some public issues that were raised today. I do have one question though that I forgot to ask earlier with regard to the application. I did not see a photo of the sign; for the public notice, was that provided?

Marvin Aguilar that was provided.

<u>Commissioner Limitaco</u> is it in the application?

Celine Cruz we didn't include it as an attachment, but we do have one and we received it (I believe) on

Marvin Aguilar 16th of February.

<u>Commissioner Limitaco</u> okay. So, we'd like to be able to include that just as checking our boxes when we review this application.

<u>Commissioner Bathan</u> I agree with Commissioner Limtiaco's request on compliance with the previous NOA because it will prove (umm) your sincerity that whatever conditions, if in case you will get positive approval on your project, on your application, it will prove that you are sincere in complying with whatever conditions that will be put on your Notice of Action by the ARC and by the public and by the Commission. I would like to see that.

Commissioner Oh I guess my main concerns are when it comes to infrastructure; I know it was mentioned earlier by different members of the community as to how how it would benefit them in terms of I read through the notes and it seems like a lot of the members of the community are suffering from low water pressure. I don't know if that can be verified in any way, if a study can be done. I've read through the concerns of the ARC and the responses, and I think one of the responses when it comes to water pressure was that the pool and certain aspects of the proposed development didn't include the additional demand. And so if you guys could include all the demands, the water demands of this proposed project and do an actually calculation based on that. I would like to see some type of document. In terms of sewer, (ah) I've read through the ARC responses; is this an official position from GWA? I just wanted to ask if GWA did indeed mention that in terms of sewer demand that there is a (umm) there is a lower than design pumping design demand. Is that true? I just wanted to make sure.

John Sherman there's questions are ... items that are being brought up and there are several answers to these things. If we have time can discuss it. I mean I can give you the answers now. The double shaft pump station that we are talking about was the very pump station that was relocated that used to be in front of the property. If look at our application topo map you'll see a large open box that is shown in front of our property. That used to be old pump station, and that has since been abandoned in place. It is about 20-feet deep. Several chambers continuous. It is probably the worse death trap that's waiting to happen. Since I looked at it it's full of toads, toads are getting out. It's a concrete chambers that are abandoned in place. That used to be the old pump station and used to be inundated with ... everytime there's flooding in that area. Since then GWA has rebuilt that pump station right up at the side of the hill of the Chalan Pago as you going up to Route 10 it's on the right hand side as you're going towards Chalan Pago. That double shaft pump station serves ... it was intended to serve all parts of Yona and further; however, the sewer line actually terminates at end of Yona village proper, and the residents inside of the Pago Bay, not Pago Bay, Yona are ... a lot of them are still on septic tank. That's not because there's no expansion it's simply because there is ups and downs of varying hills. So some of those residents a lot of them in fact in that area do not have sewer connection in spite of the fact there is large capacity sewer main there. But then again, that is beyond the scope of this project. The capacity of double shaft pump is in question. The point I'm trying to make is that yes there is a pump there, but it is underutilized because pump was originally design to take care all of Yona plus more; but there is not enough sewer generated from Yona that is connected into this thing. So, do we have enough capacity to take care of all of them; most of them and have more adequate capacity. Does that answer your question? My staff and I actually went over there and did a study; we actually timed the pump on and off time how long it takes to fill the wet well. Leave pump on, leave pump off. We timed it and we could calculate exactly how much sewer is actually coming in based on the size and depth that it needs to come on and off. So, we had determined at the time that we were doing Phase I that this pump has a lot more capacity then what is currently operating. And since then, to my knowledge, there hasn't been any significant growth in the Yona area or existing sewer system.

Richard Sana maybe we can ask Ms. McDonald who is the GPA (sic)... GWA Engineering.

Mauryn McDonald I'm with GWA Permits Office also in the Engineering Division and I also sit in the ARC committee. I just want to make a comment that GWA would need to make an assessment based on current conditions on updating utility demands both for water demand and sewer production figures in order to determine impacts on the existing system and if any infrastructure improvements are needed. So, we want to look at, again, current situations; the previous study was done with Phase I, but we wanted to make sure that we incorporate any changes that have incurred since then and look at things with a fresh pair of eyes.

Chairman Arroyo and this was in your position statement.

<u>Mauryn McDonald</u> yes, we asked for updated utility calculations so that we can determine impacts.

<u>Chairman Arroyo</u> thank you. Is there anything else that you canany other information that you can provide us with respect to

Mauryn McDonald well, it's basically that we need more information about the project both with what is expected for water demand, sewer production and onsite utilities how those towers will connect to the infrastructure that serves the Laguna Estates, and how everything will come together and work to eventually to support both projects and perhaps a third phase in the future.

Chairman Arroyo appreciate your information, thank you. Okay, so I think (you know) for me there's a lot of talk about traffic and you mentioned that there was a traffic study done in 2007, 2008 which is a 30-year plan. But, typically for a project of this sort the consultants do take a, do a traffic study. Especially, I think you're talking about 800 to 1000 new residents in the area, and typically we'd like to see a traffic study on how that many people, that many cars will impact the existing situation right now. Because as Joann Brown said it's terrible and we want to make sure that (you know) you're not going to add to that headache. And if it does, aside from the deceleration lane and aside from the center turning lane is there anything that might need to be done to address the issue of additional cars because of the project being on that road. I think what I'm asking you to do is if you could take a look at that and whether or not you can confirm or update 2008 study.

John Sherman we will certainly look at that. We do recognize the fact that it is a two-lane road. I mean there are very few places in Guam that has two-lane roads; most places have three and four lanes. For some wisdom after Pago Bay bridge it narrows down two, and stays until two until it goes half way up the hill to an acceleration lane. Public Works were out there twice before; once they were doing the resurfacing of the road based on the capital improvement projects that were done back in 2010 (is it)? They had an opportunity to actually expand the road and we brought this up to the Public Works Director at the time, but (Ms. Brown comments "that would have been me.") we didn't get an answer. We didn't get any response. We actually asked to expand

[Recording Secretary's Note: Mr. Sherman was interrupted by Ms. Joann Brown, who is sitting in the audience.]

Joann Brown well you're expecting the government to expand to accommodate your project.

<u>John Sherman</u> no, no, it wasn't, it wasn't because of us. It was an opportunity to expand the widen the road because the equipments are right there, everybody is working there ...

<u>Joann Brown</u> how am I to believe that that's how construction and development and millions of dollars invested just because the equipment is there ... I mean ---

John Sherman can I just finish ----

<u>Joann Brown</u> just be truthful ... I mean I was (Mr. Sherman states "may I please finish please.") Director around that time so I just want to make sure that you are providing accurate information.

John Sherman we had the opportunity to widen it we didn't. Now, second time around when Parsons was out there putting in the ditches on the side of the Laguna side, there's a concrete ditch there now; trapezoid shaped ditch. It actually aggravated the flow situation because now the flow coming down that road is no longer ... flowing down in a very nice pattern but now it's concentrated and it's been coming down with a tremendous amount of velocity. So it is a problem. During that time we also asked is there a possibility to widen the road; this is something we can partner up at the time we were doing the Phase I. There was no input from Public Works side, and the only response we got that it was

<u>Joann Brown</u> (interrupting Mr. Sherman) I don't care for the mis-information cause during that time I was the Director. That is not how you prioritize road construction and you now that Mr. Arroyo; you have a lot of familiarity with construction. This is not a, oh by the way the equipment is there we're adjusting the drainage coming down from Yona

<u>Chairman Arroyo</u> right, I was going to get to that a little bit later on. I was going to let you finish. But I think the thing I was going to get to is when these projects were taking place, was there an

understanding that you were going to build this project and that you were going to add another....

<u>John Sherman</u> we were asking for a traffic light at that corner and again we got denied. Because my understanding is a traffic light is far more expensive. So, we were denied of that.

<u>Joann Brown</u> in most cases developments that are going to adversely impact traffic flow are required to put the upgrade investment. Let's look at the new hospital is a very classic example. That's not something that again to benefit your project that the rest of the people of Guam should sacrifice ----

John Sherman we were willing to pay ----

<u>Chairman Arroyo</u> okay, okay....let's just do this; I mean, we'd like to see something. And if it's something that you can't do now; for a project of this size, we do really need to see how much of an impact that's going to make on on the traffic conditions that are there now. And chances are if this gets approved it might be a condition. It might and I'm not saying that it will, but it might be a condition that you come back to report to us. Maybe you could start doing something now. We really do need to talk about it. We really do need to see it because there's a lot of complaints about it.

Anything else?

Richard Sana I just make a general comment before we close (sic). You know it just dawned on me talking Ladera Towers. My family lives there in Mangilao in close proximity to where the Ladera Towers is. We have no problem with water pressure and sewage.

Joann Brown (interrupts) let's not lie...by the time the construction project was built ----

Chairman Arroyo Joann, Joann ... can we please ----

Joann Brown (interrupts the Chairman) I don't mind but you know I'm really bothered. These are paid consultants that are coming before you and providing mis-information. These are things that are publicly recorded! You mean to tell me that those residents that publicly complained at the time were showing the grey and brown water they were getting out of their taps and people that lived in that apartment are lying?! I mean he has a vested interest because he's paid to be here to say these things. But I tell, you I've lived here in this community. I've been elected to this community six times with the Guam Legislature. I'm not going to sit here and lie about this stuff! Especially at the time around the time this was happening I was also the Deputy at Guam EPA. I understand you're allowing them to testify, but this is mis-information.

<u>Chairman Arroyo</u> I appreciate and I hear your frustration. But Richard, the Ladera Towers does that have anything to do with this project?

Richard Sana no, no; I just wanted to make a general comment.

Chairman Arroyo so let's avoid that all together.

Richard Sana it had nothing to do with what talk about that ---

<u>Joann Brown</u> (interrupting) no, but the site you decided to build in the community that I live in. You don't live down in Pago Bay Richard, so I guess you can come before this Commission because you're paid. I'm not paid to be here! Nor are many of the residents or hundred plus residents that were in Yona they were not paid to be there. But when you want to come and mis-inform this Commission I'm not going to sit here and not say anything about it!!

<u>Chairman Arroyo</u> you have a laundry list of things. How much time do you think you need to get this information together and to get back to us?

<u>John Sherman</u> we can be ready by next session if necessary. We do not think that this is a ... traffic study is already been done. There is several hundred pages of report that's been done by Public Works and done with public funds and is available. There is no reason why we need to go out and revamp the thing when there is a study that says that there is a need for widening in due time, and they have a priority list of projects and it does list that.

<u>Chairman Arroyo</u> so if you could bring that in we can talk about it. We haven't seen anything, and I like said we really need to talk about that.

<u>Richard Sana</u> Chairman, I just wish that families are not brought into the picture. My family was mentioned twice; once at the public hearing and once today okay. And I don't think that (you know) needs to

[Ms. Brown interrupting; intense discussion continues between Ms. Brown and Mr. Sana]

<u>Chairman Arroyo</u> ladies and gentlemen, we're going to recess, reconvene at our next scheduled meeting which is **March 10, 2016 at 1:30 p.m.**, two weeks from today.

We're recessed. Thank you so much everybody for coming down. We appreciate your comments and your input.

The regular meeting of the Guam Land Use Commission for Thursday, February 25, 2016 recessed at 5:10 p.m.

Approved by:

Transcribed by:

John Z. Arroyo, Chairman Guam Land Use Commission

M. Cristina Gutierrez, Pro Terr WPS, Planning Division, DLM

Mentener

Date approved: _____MARCH 10, 2016

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room, ITC Building Continuation of the GLUC Hearing of February 25, 2016 – Recessed at 5:10 p.m. Reconvened on Thursday, March 10, 2016 at 1:50 p.m., adjourned at 3:00 p.m.

I. Notation of Attendance

Chairman Arroyo reconvenes the regular meeting of the Guam Land Use Commission for Thursday, February 25, 2016 on March 10, 2016 at 1:50 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioners Conchita Bathan, Tricee Limtiaco and Tae Oh, Executive Secretary Michael Borja, Guam Chief Planner Marvin Aguilar, Case Planner Celine Cruz and Recording Secretary Cristina Gutierrez

[Excused Absence - Legal Counsel Kristan Finney]

II. Approval of Minutes [None]

III. Old or Unfinished Business

Chairman Arroyo we're still on Item B of the agenda --

Zone Variance

B. The Applicant, Guam Wangfang Construction, Ltd. represented by F.C. Benavente, Planners; request for height/density variance for the proposed construction of a 304-unit, multi-family structure (Pago Bay Marina Resort) with accessory uses within two (14 & 15) storey buildings, on Lot 164-4NEW-1, in an "R2" (Multifamily Dwelling) zone, in the Municipality of Yona, under Application No. 2015-29. Case Planner: Celine Cruz

<u>Chairman Arroyo</u> where we left off at the last ... at the meeting of the last time Marvin was we had requested the applicant to provide us with additional information. Do you have anything new you would like to add?

<u>Marvin Aguilar</u> (Chief Planner) from the applicant? Nothing at this time sir. There was some email inquiries about zoning information.

<u>Chairman Arroyo</u> we've received a number of written testimony?

<u>Marvin Aguilar</u> yes sir. As of, as of from the last meeting as of this morning or this afternoon, I think we've received about nineteen (19) testimonies. I think we have a copy for everybody and it's been entered into as part of the ... as far ... as part of your information package for this application.

<u>Chairman Arroyo</u> and we have a few in front of us today; for the record we've received written testimony from:

- Thomas Tanaka
- Evangeline Lujan
- Amanda Arceo
- Darleen Hiton
- Niyah Hiton
- Linda Hiton Santos
- Susan Hammer
- Ike Peredo
- Randy Sablan
- Petition objecting to the height variance for the project (I don't know how many names are on here) and it contains several pages of comments. We'll have to take some time to read these.

[Note: For full content/context of the above written testimonies, please refer to Exhibit 1]

<u>Chairman Arroyo</u> we do also have a copy of the March 14, 2008 Notice of Action for the Pago Bay Resort, LLC. Celine, do you have a summary?

<u>Celine Cruz</u> this memo is dated March 9, 2016 to the Chief Planner from the Case Planner and the subject is additional information received to date regarding zone variance Application 2015-29, Guam Wangfang Ltd.

[For full content/context of the Memorandum, additional written testimonies and Matrix provided by the applicant's representatives please refer to Attachment A.]

[Attachment A - Memorandum to the Chief Planner dated March 9, 2016]

Marvin Aguilar so if you could recall the supplemental that she is referring to was that document on the matrix response.

Chairman Arroyo I want to point out too that yesterday I received a letter from Senator Frank Aguon, Jr. He was basically requesting the Commission to suspend any further discussion, any further decision on the application until the residents of both municipalities have been afforded the opportunity to express their position with the proposed development. We did send him a reply; basically the reply said that at this point in time we are not able to suspend the action because we're following the rules and regulations that were established by this Commission, and we just simply cannot hold back so we need to proceed on with this hearing. That letter went to him this morning; the response went out to him this morning. [Refer to Exhibit 1 for full content/context of Senator Aguon's correspondence and Chairman's response]

Chairman Arroyo any questions of the staff?

<u>Vice Chairman Cruz</u> I have a question. The documents that have been submitted have you had time to review any of it?

<u>Marvin Aguilar</u> we've received as early as about maybe...I mean about as latest about two or three hours ago, but they have been coming in. So, we haven't had the opportunity to review all these testimonies, and we'd like to have that opportunity to do so.

<u>Chairman Arroyo</u> we don't have copies of them in front us? The documents you say you received as of two hours ago.

<u>Celine Cruz</u> the letters that you received that's that's what was received after we put together the memorandum from yesterday. But in the memorandum yesterday it includes testimonies from several other individuals and

<u>Chairman Arroyo</u> the list that you had in your memorandum of the information that the Commission members had asked for, did we get that information?

Celine Cruz oh no.

Chairman Arroyo we did not receive it?

Celine Cruz no.

<u>Chairman Arroyo</u> and the applicant said they could get that to us within two weeks which is why we decided to recess and reconvene to give them time to do that.

Marvin Aquilar that I recall ... yes sir.

Chairman Arroyo any other questions of the staff?

Vice Chairman Cruz so how much time do you guys need to review?

<u>Marvin Aguilar</u> we need to go through each of the testimonies to kind of attempt to substantiate any concerns that they have so we could report it up to the Commission.

<u>Commissioner Limitaco</u> Mr. Chair, could we please review the five action items. Could we please review the five action items?

Chairman Arroyo those read off in the

Commissioner Limtiaco as far as the billboard sign ---

<u>Chairman Arroyo</u> did we get a copy of the rezone billboard, the photo of the rezone billboard sign? That's in this packet ---

Marvin Aquilar that should be in there.

Chairman Arroyo I know that you guys just got this today.

Commissioner Limtiaco we did.

Commissioner Bathan if you could give us some time.

<u>Chairman Arroyo</u> we'll take a ten minute recess so we can go through this. We'll recess for ten minutes.

[Commission recessed at 2:00 p.m. and reconvened at 2:15 p.m.]

Chairman Arroyo okay, we are back in session.

Marvin Aguilar I apologize. We have been trying to get the PA system to work; we're just getting too much bounce and reverb, feedback. We aren't able to bring the volume up.

<u>Chairman Arroyo</u> thank you Marvin. After taking a look at what was presented, do you have any questions of the staff before I ask the applicant to come up? [None noted] Okay, so we'll go ahead and ask the applicant to come up, and if could state your name for the record please.

Richard Sana (from F.C. Benavente, Planners] and to my right is John Sherman, the architect/engineer of the project.

<u>Chairman Arroyo</u> when we ... where we left off the last time we had given you a list of information that various members of the Commission wanted to see. You also asked for time so that you could digest the comments that were made by the public at that last meeting, and you said that you would be able to have that information available for us by this meeting. The staff had indicated that they had not received anything from you thus far. Do you have anything to present to us?

Richard Sana uh, we have no handouts to present. We were coming here to do the oral presentation of what you had asked us to address at the last hearing.

<u>Chairman Arroyo</u> you're going to address all of those items on the, on that list that we asked you to bring back today?

Richard Sana ah well, we for ... we know of three specific request; one of them was the, ah, was there any pending conditions on the, on the March 2008 Notice of Action. And as we reviewed that there was one with just the reburial which we are now coordinating and getting

guidance from the Department of Parks and Recreation for that. The other one was the a, the a, the double shaft pump the sewage pump station and I think Mr. Sherman can explain that because that's the of the request.

John Sherman I'm the Project Engineer for the project ----

<u>Chairman Arroyo</u> I'm sorry John. I just want to make a comment on what you said Richard. You said you knew of only three, but we have a list of five. I believe you were taking notes when we went into detail what it was we wanted to see.

Richard Sana okay, what we did in respond (sic) to the sewer and water demand and John Sherman submitted the a we have an updated demand for both water and sewer and also the investigation into the double shaft pump and whether it's sufficient enough to pump the sewage for you know connected to our project. We can tell you that we tried to get access to enter into the pump station with Guam Waterworks we were not able to do that. And in order to do the calculation for that Mr. Sherman has to gain access into the pump station. And in order for him to do any type of calculation he has to do it where the the pump is running at capacity which is probably early in the morning where they have one of their people out there to give us access, but we were not able to do that. But talking to Guam Waterworks they said those things can be worked ... can be ... can we still work at that and see if we can still (ah) try and get that assessment. As soon as they can give us access and to basically have somebody out there and the time we need to be out there to do the assessment.

<u>Chairman Arroyo</u> let me kind of just go down this list, and if you can tell me if you're ready or if you have information that you can provide for us. I also want to let you know that we were actually hoping that you would have had this information submitted to the Planning staff so that they could go through the analysis and provide for us a summary of their work and arrive at a recommendation as they would normally do for these applications. If you're going to give us this information verbally, it really is not it's not going to help them in analyzing the information that you present to us. Neither is it going to help us in digesting that information in this short meeting or in this meeting. So, I just want to go through list; you tell me if you have it or if you don't and then we could talk about where we're going to go from there.

We needed to address the issues that are attached to the basic lot or what you're calling the "mother lot" of the original Notice of Action. Are you ready to respond to that today?

John Sherman yes, we have the NOA for the previous projects.

<u>Chairman Arroyo</u> and then we needed a study to determine the potential impacts of the water pressure. Are you ready to provide for us a study today?

<u>John Sherman</u> we do not have a written report. My understanding of that take was that we were to provide an updated water demand calculation which we have submitted. And Mr. Sana was trying to explain earlier, we were trying to ... the reason why we couldn't submit earlier on

was the revised calculation was done day after we had meeting...this meeting. (Umm), utility calculation that was.

Chairman Arroyo did you share that ... the revised calculations with Celine?

John Sherman ah, no. We were waiting for the second of the water request and that was to study the sewer demand. We provided our sewer demand, projected sewer demand, but the task was to evaluate whether the additional capacity can be handled at the double shaft. Seven years ago when I was doing the Phase I study, I already conducted study on this one and at that time I found it to be more than....have more capacity available. We could not find the report; GWA could not find the report. I could not find the report, long gone, and so we want to recreate and we had asked for access to the pump station; but we couldn't get there on time and so we went ahead and submitted the updated utility calculation but we're lacking the study. The close conversation with her was that it's not something that cannot be resolved during construction. We can do it during design stage. We could submit information to them. We can mitigate whatever is necessary if there is in fact shortage or insufficient capacity to the pump. We are contributing, we are paying fair share of the utility system development. If the project gets approved as is proposed, we're, the developer, would be paying nearly 1.5, in excess of 1.5 million dollars towards the system development fee. So, some of these problems that could surface whether it be at Pago Bay pump station or elsewhere, that funding is our fair share of contribution.

<u>Chairman Arroyo</u> this ... okay so there was a study of the water pressure. You're saying you're waiting for part two of that and that was the pump, the sewer pump design and how about the water demand calculation.

John Sherman water demand calculation has been provided.

Chairman Arroyo has it been provided to the Planning staff?

John Sherman no, it was sent to GWA.

Chairman Arroyo and then the traffic study.

John Sherman traffic study...umm, we have data from the transportation report that was done by Public Works in 2008. We have a copy, we brought a copy with us. It shows, identifies the section of the road they're planning to upgrade, ah, the area that needed to widen from existing two-lane to four-lane road. Highly traversed road like this is two-lane road. But some reason from Pago Bridge to the uphills (sic) of the Yona village is only two and converting to three-lane at the uphill side of the road. We feel that the transportation report speaks for itself. Umm, us connecting onto the Route 4 will create some impact and we are prepared to address that. And at last meeting I think I explained how we're going to solve the problem. So, I brought some graphs and charts how this will be done because I thought it was pretty difficult to just say it in verbal. So I have prepared that. I think it's beyond the scope of this project to actually address

2-1/2 miles of road that is two-main road from bridge all the way out to Yona village. I don't think this is within scope of this project. But we are prepared to address the impact that would be at the immediate intersection. Now if the project, hopefully this project moves forward and gets into a four-lane road perhaps this intersection interface into the road may not be that big of a problem. But since it is a two-lane road presently, it would create a problem and we're prepared to solve that problem by adding additional lane in that intersection.

<u>Chairman Arroyo</u> before we move forward, I just want to ask the Commission members if they're comfortable listening to an oral presentation of some of the partial information that we received ----

[Chairman Arroyo is interrupted by an unidentified gentleman in the audience who states "we're not comfortable at all."]

[Recording Secretary's Note: Unidentified speaker was later identified as Tom Andersen (sp?)]

<u>Chairman Arroyo</u> I'm sorry let's conduct this as a professional meeting please. You will be recognized if I want to recognize

(Again interrupted by Mr. Andersen who stated "he professionally comes unprepared.")

<u>Chairman Arroyo</u> please, let me conduct the meeting. Thank you.

So, are you comfortable with receiving an oral presentation of some of the information that we asked for at this time?

<u>Commissioner Limtiaco</u> I'm not comfortable with that. It's not just that I'm not comfortable with the oral presentation, but we were just handed a pretty substantial amount of information that we need, I need some time to review. I would prefer that we have written updates so that we can follow along with what the applicant is presenting.

<u>Commissioner Bathan</u> in addition, we need ... in order for us to confirm with respective agencies that maybe affected by the issues that they are responding to it has to be in writing so we can confirm with the agencies if their study or response adequately addresses what they are concerned about.

<u>Commissioner Oh</u> I completely agree. I was kinda expecting some type of a written study done and honestly speaking, I mean, we're going to need some time to review it also. If it's oral presentation, I don't know how we can make a decision just based on an oral presentation....that we were expecting something written.

Vice Chairman Cruz yes, I agree with the other Commissioners. Just you showing and what I want to read is one in the same not one in different. For example, just your presentation you

said you're only concerned about the traffic that goes from the bridge up towards Yona. That's how I understand you. Now, what about the traffic that goes from the traffic light of Route 4, Route 10 coming down the hill. Have you considered that part of your study?

<u>John Sherman</u> from Route 10 intersection of Route 4 to the Chalan Pago Bridge I have not. Pago Bridge is a three-lane road...but is paved four-lane, but Public Works utilizes three-lane coming down the hill. It chokes down to two-lane after the bridge. But the pavement is still four-lane after the bridge.

Commissioner Oh let me give my two cents. The concern here from the community is that yes, yes there is enough ample room for four-lane, two-lane; but I think what we're concerned with and what Pago Bay the community is concerned with is how will you be able to mitigate some of the traffic concerns that are existing. Will there be a....I'm hoping there's some type of schematic showing that there will be a turning lane and guess that's what we need to review.

John Sherman I have brought exactly that.

<u>Vice Chairman Cruz</u> the reason why I'm asking and for the information of this Commission and to you; I live beyond that bridge okay. I live in Ipan. I travel that road everyday and I don't know if you've ever tried being there at 5:30 in the afternoon and see from the Pago Church all the way down to the bridge. And when you add those ... and you're going to tell me that when the time comes that you're going to fix that problem. The people are already suffering.

<u>John Sherman</u> Commissioner, I did not say that we would fix that problem. I believe the traffic congestion that existing today is not part of this project but is in fact existing as it is today. And transportation report identifies that. It identifies the condition that occurs in the morning in peak hours and in the afternoon peak hours.

Vice Chairman Cruz and what year is that?! What year is that traffic report?

John Sherman this was done in 2008 ---

<u>Vice Chairman Cruz</u> what year is now?! And your development is going on beyond the bridge. Do you think that the 2008 and today is still the same?

John Sherman no Commissioner I did not say that this is the case here. I am simply saying that there is transportation study done by the government, and it does identify that there is existing traffic. It does identify that it occurs in the morning and in the afternoon and peak hours and it does say that. And it does prioritize ongoing projects that the Government of Guam is undertaking and it does identify that section of the road exactly it's in the program. But, this project does not bring that existing condition onto the table. All we're simply saying is that yes we would impact the road; and for interim until this project comes into play, we are prepared to.....our responsibility to solve that intersection problem and we are prepared to do that by adding additional turning lanes and passing lanes. That's what I'm proposing. I did not meant

(sic) to say that we are not responsible for any of the traffic congestion that this project will bring about.

<u>Richard Sana</u> I think the report also addresses the congestion related improvements which is the ... a proposed widening of the intersection from Route 10 and Route 4 all the way to Route 17 Cross Island Road from two-lanes to four-lanes, and this is the, this is the report, part of the report that I described.

<u>Commissioner Oh</u> the issue here is that we should have been able to review it prior to this meeting. I was hoping that we would have been able to review it so we know the details. I don't know exactly what it says on that paper. So, if we could

<u>John Sherman</u> Commissioner, we would be more than happy to submit these things. But at the last session we were under the impression you said bring the report and bring the data with you is what we understood. And this is the reason why we brought ... I apologize if this was not the message, but we were told to bring the report and bring the data with you so we brought data with us.

Chairman Arroyo you have your consultant here. Richard, you know how these things work right; that this information needs to pass through the Planning staff before it gets to us. We need their input. And I think it's really unfair of you guys to ask us to sit through an oral presentation and it's unfair to ask the Planning staff to listen to that too to try and digest what you presented to us orally. It would serve us a whole lot better if you guys provided written reports and studies and provided that in advance. And Richard you know that this is how it works. It should go to Celine, give her time to review it, put together her thoughts and Marvin together will make a recommendation to us; we'll study that and then we'll come back and have you guys and we'll talk about it. If there are any questions, we'll bring it up at that point. So if you don't have that written information honestly, we can't make a decision on this today. We don't even want to attempt it.

So, it the order of the Chair that we continue this application. I would like for you to work with the Planning staff to provide the information that we had requested, all of it, and then they will work with you and schedule you to come back to us at some time when everybody's ready. Okay?

<u>John Sherman</u> Mr. Chairman, so far I have three items from today; the mother lot NOA action from previous, water study and pressure study and transportation study for intersection and if I recall the archeological burial was one of them.

<u>Commissioner Limitaco</u> that was part of the original NOA. The archeological issues were part of the original NOA, so that's really included in the larger topic.

<u>Chairman Arroyo</u> if you need a list of what we've asked for we can provide that to you so that you have a clear understanding what we're looking for.

John Sherman can I get the fifth one since we're already on it?

<u>Commissioner Oh</u> sewer pump design, utility calculations to determine impacts; GWA stated they need water demand and sewer production and onsite utilities and information on how the towers will connect to the infrastructure that serves the Laguna Estates that's the fourth item. The fifth item is I believe the traffic study to determine the impact from this project to confirm or update the traffic study done in 2008.

<u>Michael Boria</u> Mr. Chairman, I'll make sure that staff provides the applicant with the complete record of everything we received and that includes the Planning letter that discusses the five items so that they have it for their record.

John Sherman if we were to address the concerns of the public which we've heard throughout the past two sessions, we would also like to know what exactly it is that would be objected to. It's okay to object it's their right to oppose; but, if they're opposing height then we would like to know why it is the height they're objecting to so that we could respond properly. Just by saying height is is vague way of responding.

<u>Commissioner Oh</u> I think the Commissioners could all kind of agree that right now we're really not at that point to really discuss height variance. The issue here is the infrastructure. The infrastructure, traffic, archeological studies; these are the initial items that we need to address first before we can even talk about the height variance. That's just my opinion; I don't know what the other Commissioners feel.

<u>Chairman Arroyo</u> if you want to be a little bit more pro-active and to provide even a more robust presentation to the Planning staff and to us to include specific objections that the public has with respect to your project; it's not unusual and other consultants have done this (and you know this Richard) for them to meet with the Mayors and meet with the residents of the villages that are being affected at private special meetings on a one-to-one basis so that you can come up with their objections and work towards a solution. It doesn't have to be a public hearing. You can do this on your own. Okay.

<u>John Sherman</u> we approach the Planning Council way before the project was even conceived and submitted here.

<u>Chairman Arroyo</u>! leave that up to you, your prerogative, you decide what's best for yourselves and your project.

Richard Sana we'll do that as soon as we get the list.

<u>Chairman Arroyo</u> okay, so if there aren't any other questions or comments we're going to'm sorry go ahead.

Commissioner Limtiaco I'm sorry Mr. Chair; I have one comment regarding what the applicant is saying. Please be reminded that you're asking for a variance and per the application process there are very specific questions you must answer, and that is what this Commission is looking for. We're looking for your responses to those specific questions. If we are not, as Commissioner Oh had explained, if we don't have written responses or something we can make a decision on I would consider the application to be unresponsive. And certainly we can make a decision based on the application as it stands or we can wait for a response. I just wanted to clarify that because if you just go back to your application, you'll understand what you need to respond to. I hope that's clear.

<u>Chairman Arroyo</u> and Richard it's your job to give them counsel. You know what's needed here.

Richard Sana yes, I understand that but some of those information that you're asking some of these information already provided in the ARC response, response to the ARC including the reburial. We responded to Parks and Rec's concern about the reburial of the human remains that were discovered at the site and we responded to that that we are coordinating and we are working with Parks and Rec to resolve those issues. Some of those issues we've already responded based ... line item as we ...on the position statements. So I think, I think the Planning staff also needs to look at those areas where we've provide responses through the submission of documents that we provided them and say okay, this no longer is an issue these are still pending so that we'd know that we're not doing anything repetitious.

Chairman Arroyo alright, so let's leave it at I'm sorry go ahead ---

<u>Commissioner Oh</u> it's going back to that ... I believe you guys had a meeting with Department of DPR. What was the outcome of that?

<u>Richard Sana</u> they decided to umm, umm help us in the, you know, they would come up with a theme and tell us all of these things we need to do and we agree to everything they ask, you know, that they provide us. Because they would provide us the guidance. They would provide us with some designs and give us examples of what was done in the past in different areas. **Commissioner Oh** and do you have that in written form from DPR.

John Sherman no, it's

<u>Commissioner Oh</u> that's....what we're getting at right here. I remember from my recollection during our last hearing GWA was represented here; we asked that some type of demand calculation be done and we were actually waiting for a statement from GWA in written form if that could be provided. That would definitely support or give us a really good idea as to what, you know, whether the concerns are real, whether the concerns need to be addressed. We can't make that decision without any information.

John Sherman a lot of the comments that the ARC has provided us actually came very very late. However, we made very good attempt; the first attempt was answer and address a lot of these concerns, and that was contained in our response packet that we provided. However, some of the items that you are asking or ARC is requesting, is not an item that could be solved at this table or through our work and being submitted to the Planners. It is a work progress, something that needs to be done during the design phase that you work with the agencies and you solve the problem as you design.

Commissioner Oh the point is not ... I understand where you're coming from; but at the sametime, we're not asking for the final design we're asking for the plan. We're asking for what are the issues and how do you plan to resolve those issues, if there are issues. And that's ... I mean Richard you've seen presentations and there are certain concerns that there are certain plans to mitigate those types of issues. That's what we're expecting. And you're right it's a working.....it has to be designed at a certain point but what we're asking for is a certain amount of planning that goes into this and a certain amount of commitment to resolve those issues.

<u>Chairman Arroyo</u> please understand that our charge (you know) is to consider the health, safety and the welfare of the public. That's the reason why we're asking for this information because we need to know what kind of impact your project is going to have on those factors, and then we could work from there.

Richard Sana we'll work with the Planning staff and get all the information that they want us to respond to and we'll take that and we'll work with them.

Chairman Arroyo okay, thanks a lot, very good.

<u>Commissioner Bathan</u> I have one more. I think one of the issues that was raised was the environmental impact statement. What they had submitted is the short form and for the size of this project, I believe it has to have a different form not the short form.

Chairman Arroyo are you asking to see that?

Commissioner Bathan I'd like to see that.

Chairman Arroyo if you could include that on your list ...

<u>Commissioner Bathan</u> the long form impact statement...environmental.

John Sherman I'm sorry, I didn't understand the last one.

<u>Commissioner Bathan</u> the environmental impact assessment and what you had submitted was the short form and for this magnitude of this project, I believe a more substantial assessment has to be done not the short.

<u>John Sherman</u> I appreciate your concern for the ... of wanting to use full blown EIA for a project of this size. But this barely covers 7 acres of land. Projects of larger magnitudes have been done using short form EIA, and this is the second time we've done the study for that area and it was accepted and approved for previous project. The same site has been studied with the same consultant and they found no endangered species, no flora problem; I see no need for a ... going overboard on this type of study for such a small project.

<u>Commissioner Bathan</u> so can you submit the results of the study that was done; when you were actually doing the first project.

<u>John Sherman</u> yes we have that and it's in the file as well. It was not required to be contained in this application, but it is in we'll provide it.

<u>Chairman Arroyo</u> okay are we good? So, work with the staff. Provide the information that we asked for and we'll see you back at a later date.

Alright, so let's move on with the agenda ---

IV. New Business [None]

V. <u>Administrative and/or Miscellaneous Matters</u>

Chairman Arroyo any administrative or miscellaneous matters to discuss?

Michael Borja I just want to bring up ... tomorrow morning there'll be a public hearing on Bill No. 274-33 which basically amends a section of the law to dealing with wireless telecommunications structures. I have a copy of a testimony that we're submitting. I've discussed in email with all the Commissioners here previously. The issue here is that there is a potential significant impact that will (undecipherable/excessive noise) telecommunication companies and probably a better solution to this issue would be to, to rescind the Executive Order that this thing is in response to. And this will have a direct effect on about four different applications pending before this Commission on tower height variances that are going to deal with these telecommunication companies. So, you'll be seeing some information coming down. The Governor's staff has confirmed that they will be submitting a letter rescinding Executive Order 2001-36, and then we'll this bill maybe moot and unnecessary. And so I just wanted to bring it to your attention.

<u>Commissioner Limitaco</u> but Senator Ada is aware that there is a movement or an initiative to rescind Executive Order ---

Chairman Arroyo anybody else have anything? [None note]

I've been attending a few of the sub-committees of GVB, designation land committee and Tumon development improvement project. At an earlier meeting I mentioned that GVB ---

Ladies and gentleman, we're still in session. Can...if you need to have a conversation can you please go outside otherwise please please keep your voices down.

<u>Chairman Arroyo</u> I have been attending a few sub-committee meetings of GVB and a few meetings earlier there was a request from them to be included in the ARC, and I think we were going to send a letter to the Governor to see if they could be added to that list?

Michael Borja sure. Isn't GVB sent information?

Commissioner Limtiaco I thought at one point they were ex-officio members.

Michael Borja we'll look into that. It's not a problem. I mean we were doing it informally for the Mayors. It was never required in any of the regulations or laws; but, we were doing it for the Mayors and now it's officially a law to include them but they can be an ex-officio.

[Discussion ensues]

Chairman Arroyo and so if you could look into that Mike, appreciate it.

Commissioner Oh I just want to quickly ask. I know there was a recent planner's conference on March 8th. I wanted to ask how that was because I wanted to attend, but I couldn't that day.

Commissioner Limtiaco so the Bureau of Statistics and Plans held an all planners symposium on March 8th. And so we had several members of Department Land Management there; I actually was a presenter on climate change. There was some useful information that came out of that. But what I found as a Commissioner to be most useful is is there is a booklet that BSP provides and it's called (I believe) the Development Guidebook, Manual. It's a book and if you'll indulge me, I would like to show you a picture of a copy of the book. So, I found that to be quite surprising considering I've been serving on this Commission for about four years now, and it was the very first time I've ever seen this book. And also in my prior life, I was in the building industry; I had never seen that book. So, what I've done is I've asked the Director, BSP Director Will Castro if he would please offer to the Commission to present the book to us. I thought that this was very interesting. I also spoke with the Chief Planner and I asked the Chief Planner to review with the help of his staff to review the book to make sure that this development guide is truly the process that at least this Commission is aware of. So, my concern was that there was a lot of information out there, and if this Commission is not aware of it (and I'm not sure how many of our applicants are aware of it), I just want to make sure that it is the correct information. So that was a surprise.

Marvin Aguilar the book was actually handed out to former members if I recall. It was published I think in 2006, and since 2006 there's been some ---- so, it's a great coalition of different regulations and requirements for development here in Guam. I feel that we do need to work with BSP to update it; there have been several laws that have been passed and policies that needs

to be ... we're actually going through a round-table, red-mark with our Planners to try to catch up with the different

Chairman Arroyo anything else on the ----

<u>Commissioner Limtiaco</u> I would imagine that that first symposium was more of an introductory portion symposium.

<u>Chairman Arroyo</u> anything else to talk about today? [None noted] Alright, l'Il entertain a motion to adjourn.

Commissioner Bathan motion to adjourn.

Commissioner Limtiaco I second.

Chairman Arroyo so moved and seconded; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, February 25, 2016 was adjourned on Thursday, March 10, 2016, at 3:00 p.m.

Approved by:

Transcribed by:

M. Cristina Gutierrez

Land Planning Division, DLM

John Z. Arroyo, Chairman Guam Land Use Commission

Chain Land Osc Commission

Date approved: 4 · 14 · 2676

ATTACHMENT B GLUC HEARING OF FEBRUARY 25, 2016

ATTACHMENT B



DIPĂTTAMENTON MINANEHAN TĀNO' (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)



MICHAEL J.B. BORJA

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Street Address: Governor 590 S. Marine Corps Drive Suite 733 ITC Building

RAY TENORIO Lieutenant Governor

February 18, 2016

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report - Application No. 2015-29, Zone Variance for Height and

Density on Lot 164-4NEW-1 in the Municipality of Yona

1. **PURPOSE:**

- A. Application Summary: The Applicant Guam Wangfang Construction Ltd., represented by John Sherman, AES Construction Co. Inc., and FC Benavente Planners, request for a Zone Variance for Height and Density in order to construct the Pago Bay Marina Resort, a 14 story and 15 story multi-family structure with 304 residential dwelling units, in an "R-2" (Multi-Family Dwelling) zone on Lot 164-4NEW-1, in the Municipality of Yona, under Application No. 2015-29.
- B. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

2. FACTS:

- A. Location: The eastern boundary of Lot 164-4NEW-1 fronts Route 4 and functions as the main access road. The North boundary fronts the Pago River, the West boundary is Pago Bay beachside and the South boundary is adjacent to the Pago Bay Resort Residential Subdivision.
- B. Lot Area: Lot area is 6.87 Acres or 27,825 Square Meters or 299,505 Square Feet.
- В. Present Zoning: "R-2" (Multi-Family Dwelling) Zone.
- C. Field Description: Existing site condition on the property is vacant land, with the southern half of the lot previously cleared and maintained clear of trees and shrubs. About one third of the northern end of the property consists of wetlands.

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D. Masterplan: Agricultural

E. Community Design Plan: Conservation - Open Space

F. Future Land Use Plan: Agricultural

G. Previous Commission Action: None on the present lot, however, on June 14, 1984 the Territorial Planning Commission approved a zone change, from "A" and "R-1" to "R-2" on Portions of Lot Nos. 155-NEW, 164-NEW, 156-R5 and 163-NEW-R1 in Yona. Then, on November 16, 2007, the Director of Land Management approved a Split Zone Change on Lot 155-NEW from "R-2" and "A" to "R-2". Lot 164-4NEW-1 was in the area previously designated as Lot 155NEW-R1.

3. <u>APPLICATION CHRONOLOGICAL FACTS:</u>

a. Date Application Accepted: September 17, 2015

b. Date Heard by ARC: October 1, 2015

Public Hearing Results: On January 6, 2016 a public hearing was held at the Yona Community Center. Present at the hearing were case planner, Celine Cruz, Chief Planner Marvin Aguilar, Executive Secretary of the Commission Mr. Michael Borja, and other DLM staff, Mr. Richard Sana and Mr. Ray Benavente of FC Benavente Planners, and John Sherman of AES Construction Co. Inc., the applicant's representatives, as well as over one hundred concerned citizens.

The hearing was called to order at 6:01PM. A presentation of the project was made by Mr. Sana and then the floor was opened for public comment. There were many individuals in attendance who expressed their desire to make comments and express their concerns about the project. There were 21 concerned citizens who provided oral testimony and planning staff received two submissions of written testimony at the hearing. The hearing was closed at 8:15 PM. (See Attachment 1 - Minutes of the Public Hearing)

Of the attendees who provided public testimony mostly expressed dissention and opposition to the proposed project. During and following the hearing, written dissenting opinion was provided as attached. Written comments include a resolution of opposition from the Municipality of Chalan-Pago-Ordot.

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Throughout the public hearing we have identified the following points of dissention:

- 1. Potential adverse impacts to adjoining wetlands and its estuary, the Pago River, and Pago Bay due to large scale development;
- 2. Potential adverse impacts to historical artifacts and historical/cultural use of the area:
- 3. Concerns regarding traffic safety; and
- 4. The overall potential to negatively impact infrastructure.
- 4. <u>DISCUSSION and STAFF ANALYSIS</u>: Pursuant to 21GCA, Chapter 61, Section 61616, the Commission shall have the authority to grant such variances there from as maybe in harmony with its general purpose and intent, so that the spirit of the law shall be observed, public safety secured, and substantial justice done [sic].

CONTEXT AND FORM

The Commissions' authority to grant a variance requires consideration of the following justification pursuant to 21GCA, Chapter 61, Section 61617:

A. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNESSARY HARDSHIPS INCONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE LAW.

The applicant provides that the variance requested is for an increase in height and density. The applicant notes that north and west areas of the properties have setbacks in excess of 100' and 120' respectively; and which contributes immensely to increasing the open spaces on the property. The significant amount of property in wetlands (32%); coupled with the significant amount of lineal footage land, located within riverside and ocean shore frontage, places unique development constrain requirements on full use of the property; thus qualifying for a request for greater density. Ownership has worked diligently to prepare a design that works very well with the unique qualities of the property, providing adequate spaces for light and air, and preventing undue concentration of population, and assuring the adequate utilities and amenities are provided to support the project. Disallowing this height and density variance will result in difficulty and unnecessary hardship inconsistent with the general purpose, spirit and intent of the zoning law, which is the protection and promotion of the public health, safety and general welfare of the people of Guam.

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B. THAT THERE ARE EXCEPTIONAL CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY OR THE INTEDED USE THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES IN THE SAME ZONE.

The applicant submits the property is located in an area that encourages multifamily activity as displayed by the "R-2" zoning designation. A reasonable transition from a vacant unmanaged lot, to the Pago Bay Marina Resort twin tower multifamily building, housing a managed community which places a premium on the property's unique origin and its sensitive land features; and is dedicated to their protection, is an appropriate use of this property. The height and density variance allows for reasonable use of the property while complying with the existing zoning requirements. These circumstances do not apply to other properties in the same area.

Ownership further submits that the subject lot is the child of "mother" Lot 155-NEW-R1, which developed at a density (in example 98 single family lots) significantly less than allowed by its R-2 zoning designation (in example 1,618 units). The public welfare is not harmed by the density variance considering that the 98 lots in Laguna and the 304 units in this application, if considered as a whole, total only 402 residential units, considerably less than the 1,618 residential units if the "mother" lot is considered as a whole, allowed by the R-2 zoning designation (in example only 24%).

C. GRANT OF VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE ZONE OR NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED.

The applicant submits that the variances requested will not be materially detrimental to the public welfare or improvements in the neighborhood. Approval of the variances will allow this owner to significantly upgrade the neighborhood and its environment. The public welfare is elevated with an increase in new jobs created, and increased economic and tax revenues for the island. Ownership will remove trash and regularly maintain the property. The project will contribute to the neighborhood improvement in the form of a well-developed, landscaped, upgraded property. Moreover, the proposed density is well balanced as the building footprint is only 12% of the entire 6.78 acre property.

D. THAT THE GRANT OF THE VARIANCE WILL NOT BE CONTRARY TO THE OBJECTIVES OF ANY PART OF THE MASTER PLAN ADOPTED BY THE COMMISSION OR LEGISLATURE.

The applicant submits that the "Guam Master Plan" as shown in the zoning map allows the location of multifamily uses in the "R-2" zone. This request is in reasonable accordance with and not contrary to the plan; and

Continuation of Memorandum

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E. .THAT, AS TO VARIANCES FROM THE RESTRICTIONS OF §§61504 OF THIS CHAPTER, THE PROPOSED BUILDING WILL SUBSTANTIALLY ENHANCE THE RECREATIONAL, AESTHETIC OR COMMERCIAL VALUE OF THE BEACH AREA UPON WHICH THE BUILDING IS TO BE CONSTRUCTED, AND THAT SUCH BUILDING WILL NOT INTERFERE WITH OR ADVERSELY AFFECT THE SURROUNDING PROPERTY OWNERS' OR THE PUBLICS' RIGHT TO AN UNTRAMMELED USE OF THE BEACH AND ITS NATURAL BEAUTY.

The applicant submits that the proposed building will substantially enhance the recreational, aesthetic, and commercial value of the beach area. Subsequent development of the property may be anticipated. However, plans will not interfere with or adversely affect the surrounding property owner's or public's rights to untrammeled use of the beach and its natural beauty.

The application has met the requirements of form and context. In analyzing responses to each caveat, we provide responding values:

1. To the zoning designation of "R-2". The eventual rezoning of the subject lot was obtained through an administrative option offered to property owners who own split-zoned properties. It is unfortunate that such process does not provide mechanisms to allow for logical and deliberate assessment as providing during the course of a change of zone through the Guam Land Use Commission. This is important since there exists the concern as to whether or not this project at the purported size can exist with the current state of infrastructure within the immediate area.

As testimonies provided insist potential impacts to infrastructure may extend beyond the Yona municipality, it is only prudent to derive a level of infrastructure development or systems improvement that would not only support the needs of this project, but to a desired level of improvement to which would eliminate any adverse impact to extended community areas.

2. To the concept of considering this project as a whole with that of existing Laguna Estate Subdivision. The applicant presents a valid point and in many discussions with our office we have insisted project planning would best be suited within a holistic approach. This would be necessary to planning and executing land elements such as infrastructure to that of an appropriate and desirable level, befitting of needs of the immediate and extended communities. And in this respect, perhaps identifying a master plan would be warranted for the purpose addressing not only concerns raised by the public, but that of the regulatory agencies as well.

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ASSESSMENT OF APPLICATION REVIEW COMMITTEE (ARC) RESPONSES

To date, we have received official position statements from the Bureaus of Statistics and Plans, Guam Waterworks Authority, Department of Public Works, Department of Parks and Recreation, Guam Environmental Protection Agency, Department of Agriculture and the Guam Power Authority. The Bureau of Statistics and Plans provided comments and recommendations, should the application be approved, in the following areas of concern:

- 1. Flood Zones
- 2. Zone Variances
- 3. Protection of Marine Waters
- 4. Wetlands
- 5. Storm Water Management
- 6. Low Impact Development
- 7. Historic Preservation
- 8. Beach Access
- 9. Invasive Species and Native Flora
- 10. Landscaping

Likewise, the Guam Environmental Protection Agency submitted that GEPA is cognizant of the potential impacts to the aged and inadequate infrastructures (water, sewer, storm water management system) serving the area and neighboring comments and provided conclusions and recommendations in the following areas of concern:

- 1. Storm Water Disposal Management Plan
- 2. Wastewater System
- Water System
- 4. Wetlands

The Department of Public Works recommends approval subject to comment review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meets requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, and plumbing including flood zone and ADA requirements.

The Department of Parks and Recreation's (DPR) review of the subject project's site map shows that the Reburial Monument Site and public beach access to the ocean shore will be encroached and compromised by the proposed Pago Bay Marina Resort. These two issues are of great concern to DPR and they feel this must be taken into account before the application is approved by DPR and the Guam Land Use Commission. DPR also noted that minimal tests were conducted in the proposed project location and that potential adverse effects to cultural properties may be present

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in Lot 164-4NEW-1 and in other areas affected by the development. DPR does not recommend approval of the request until an agreement is made to address and resolve the reburial of human remains and the public beach access to the ocean shore. However, we are of the understanding the applicant remains in dialog with the agency to address this matter.

The Department of Agriculture does not oppose the development provided concerns and conditions as stated in their official position statement are met to prevent major ecological damage, to include wetlands, endangered species, costal erosion concerns, and protected indigenous flora and fauna.

The Guam Waterworks Authority provided recommendations to coordinate, mitigate, and address water and wastewater impacts on existing infrastructure and any required infrastructure improvements. Additionally, the Guam Power Authority has determined based on the power demand load submitted by the applicant that significant infrastructure upgrades must be completed in order to support this project.

GENERAL

The ARC comments and concerns are not evidently addressed in the submitted the application. And we as staff to the Commission have had no recourse but to assess the application face-valued as originally submitted. We can only expect, as of preparation of this report that the applicant continues dialog with the various ARC agencies who have expressed critical concerns, with such concerns possibly having embedded and systemic implications that may warrant further analysis on design and/or limitations of design due to possible lack of or restraints on infrastructure.

Matters such as the desire to consider land mass of the mother lot as justification for the density variance is not supported through documentation to ensure that future development of the lots within the Laguna Subdivision supports the additional density requested by the proposed Pago Bay Marina Resort.

Inconsistent information exist within the application to include to the Name of Applicant, references to a request for density variance of 65 for 300 residential units and 4 caretaker units, however mostly making reference to 300 residential units. Supplemental information to provide clarification on these issues has been requested of the applicant however, as of the date of this report, none have been received.

Continuation of Memorandum

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5. RECOMMENDATION: In general, we find the application in need of clear and concise information to craft a decision-making tool for the Commission. In light of this, we recommend this application be TABLED until such time as the application is supplemented with evidence that addresses the points of concern identified in ARC Position Statements and the Public Hearing. In the event the Commission sees an avenue to favorably consider this request, we find it only proper that such consideration be complemented with conditions and restrictions as provided by lead agencies not only as a condition of approval, but as a caveat prior to applying for and securing any development permits.

Marvin Q. Aguilar Guam Chief Planner

Attachments

Case Planner: Celine Cruz

INDEX OF ATTACHMENTS

Attachment 1	Public Hearing Minutes
Attachment 2	Written Testimony – Nicolas F. Borja
Attachment 3	Written Testimony - John F. Aguon
Attachment 4	Written Testimony – Rodney C. Webb
Attachment 5	Written Testimony – Manuel Q. Cruz
Attachment 6	Written Testimony – Paul Chang
Attachment 7	Written Testimony – Laura Biggs
Attachment 8	Written Testimony – Philippe Gerling
Attachment 9	Written Testimony – Adrian Gogue
Attachment 10	District of Chalan Pago – Ordot Municipal Planning Council Resolution 2016-01

PAGO BAY ESTATES PUBLIC HEARING Wednesday, January 6, 2016

Richard Sana more open space and be able preserve the areas that exist in the Pago Bay area. The other thing also is that we know and identified that there's some rare species the Nipa plants that grow along the river. We want to be able to leave that untouched. We want to be able to built (sic) I mean preserve a 10-foot strip, buffer along the river in order to stable...to maintain the stabilization of the river beds, the river bangs and also be able to catch any those surface stuff that are discharging in to the Pago Bay River. I know that a lot of the people here today are concerned about the environmental part of the project; but I just want to show a little bit ... this is a photo taken how after a rainstorm the beach area will look like. Okay we know that if this project is built (sic) it's not going to look like this. The developer or the owners is going to make sure that they're going to enhance this area. This will be cleaned up and I know that Mr. Sherman had worked with the Mayor of Yona to have some other people and they hired some other people to be cleaning this area up. Some of this area also we first time along the shoreline here, for the first time we introduced the vetiver plant to help with the erosion and the filtering of any of the pollutants going into the bay.

You've probably already seen the pictures and the renderings of the ... this apartment complex in the newspaper and other sources. This is how it's going to like. If you're standing up on the if you're anywhere up on the Del Carmen property or anywhere at that level you can see that that level is actually going to be higher than these towers. This is going to be very minimal structural view to the ocean side. Because if you look at the way this thing was taken you can actually see above the structures.

We also have Ray Benavente who does the permit permit processes for us, and ! don't see anybody else here from our team. Basically we are here to get the ... you know your concerns and some of you're the information you may have concerning you in relation to this projects. And we're ready to answer anything you have for us.

(Gentleman speaking did not identify himself) you have to bear me out on this because I've been on this island for 79 years. The only time I get of it when I volunteered to join the (inaudible/noise). Where did you get that picture from?

Richard Sana where did we take it? It's a rendering.

<u>Unidentified speaker [1, gentleman]</u> are you (inaudible due to poor recording) positive that it could the (undecipherable) of that from (undecipherable).

Richard Sana I can't answer that question sir because I am

<u>Unidentified speaker [1, gentleman]</u> and you are Mr. Richard Sana right? [Mr. Sana responded "yes, sir."] How in the world are you going to diminish or decrease the footprint when you are going to build a 15 storey?!

Richard Sana well we're talking about footprint if you're looking down from the top that is the footprint.

<u>Unidentified speaker [1, gentleman]</u>and also you're going to clean the beach for the benefit of the people!

Richard Sana yes sir.

<u>Unidentified speaker [1, gentleman]</u> I saw people that tells lies but this is not lie. (sic)

Richard Sana it's okay sir I've never been accused of being a lair before but I'll take that.

<u>Unidentified speaker [1, gentleman]</u> I'm farming 10-acres and supplementing my income! And when you build that condominium that you're going to ruin all the nature's beauty?! And also the treasure the lost treasure staple that Chamorro are so proud of. The land crab, coconut crab, mangrove crab that's their route!! To make ... to recycle themselves to make (undecipherable) ---

Richard Sana sir, I was born on this island and I know what you're talking about

Unidentified speaker [1, gentleman] I'm here longer than you!!

Richard Sana I know sir, I understand that.

<u>Unidentified speaker [1, gentleman]</u> okay so you're not going to tell me that this is going to beautify Guam! Because (undecipherable) in that Pago Resort you're really going to (inaudible/undecipherable). That's a guarantee! You'll ruin the beauty of that area and how in the world will that developer build a condominium at the mouth of that river?!!! What kind of (inaudible/noise) what kind of chemical do you use to build the swimming pool??!! Or whatever you have in that area when you build the condominium!! Don't tell me it's not going to effect (sic) the environmental aspect! I'm totally against it!

Richard Sana thank you. Thank you for your comment.

<u>Unidentified speaker [1, gentleman]</u> and not only that to add another problem there. You don't stop you don't stop the flow of the Stopping of that river where this brown house on the other side of the bungalow river every downpour and every typhoon (inaudible/poor audio). Sometime we use Leo Palace road to get down by the (undecipherable). So don't try and sneak in condominium in without any opposition from us. Because like I said I'm only a mile and a half from where you going to build your condominium and I am going to fight you to the (undecipherable)!!

Richard Sana thank you for your comment.

<u>Celine Cruz (Case Planner)</u> I'm sorry....again, if you would like to make public comment if you could we have another microphone up front for the benefit of the attendants in the back of the room, if you could use the microphone and then begin by stating your name for the record so that we could document all of this.

John Sherman and the village, their village please.

Celine Cruz your name and the village you're from if you would like. Thank you.

Unidentified Speaker is there anyone with technical background for hearing in the room?

[Testing of microphone continues]

Tom Andersen (sp?) good evening, my name is Tom Andersen; I'm Executive Vice President by construction. I happen to live in Pago Bay actually above Pago Bay on the (undecipherable). I built a home over there three years ago, and I've watched it grow. It's a very idyllic place. There are major concerns with putting something equivalent to what you're intending on doing in that particular area. First of all, the Pago River is not stable. Comes heavy rain that thing swells to the point, runs over the bridge, floods the entire area, and you're talking about having a hotel that has a footprint that sits right in the middle, as far I am concerned, in a flood plain. Now that is an environmental problem that I don't know that you can overcome. My concern is what are you going to do to the area when you increase it by what 350 units? Those are one, two, three bedroom units? [Mr. Sana responds "yes."] How many people are you proposing that that will bring to that area?

Richard Sana well, you're calculating probably about double or triple.

Tom Andersen (sp?) double or triple? [Mr. Sana responds "yes."] So, you're saying maybe 700 to 1000 people are going to now be in that particular area. Route 4 is a dangerous road down by the bridge and it is difficult to get in and out on (undecipherable) in mornings and the evenings because of the traffic. If you increase that by 700 to 1000 people, you're going to have such an impact on the traffic control that it would be unbelievable. I don't know what you have in mind as far as improvements are concerned, but it's going to be something major in order to develop enough room for the vehicles along let alone the people that you are going to throw into that area. Now the next is demand on the water. The water is a real problem. There's people over there that ... I have no water pressure personally and I live up in (undecipherable). I have to pump water out of tanks into my home in order to provide me water. Now you're going to put a huge demand on the water demand in that particular water. How are you going overcome that? Are you going to ask ... are you going to run a new waterline all the way up to a source and develop enough for almost another 1000 people? You gotta take that into consideration. On the otherside it what about the sewage? Sewage is a major problem. I mean the truth of the matter that you're in a low spot and you're going to have to pump all of that up into a sewage system. Right now all the residents in the area are on sewer systems. They're on a you know ... they're not even on the sewer system itself. They're in (you know) situations where

Tom Andersen (sp?) (cont'd) they can't connect because there's no sewer connections and you're talking about putting a 1000 more people in there who would be dumping sewage into where and how. How's that going to be taken care of. And secondly what have you done as far as the upgrading of the overall utilities for the residents in the area? If you put this demand on the system to meet your demands, you're just actually going to add more demand because the residents in the area so you're impacting the entire area with heavy traffic, water control, sewage control and environmental controls. And I'd like to hear what you're going to do to offset all of those.

<u>Richard Sana</u> thank you for your comment. Sir, the population density would be for if all the units are occupied. We anticipate that that would be double triple the number. Let me ask John Sherman to comment on the infrastructure and utility question.

John Sherman I am the Project Engineer for the project. First of all, I would like to thank everybody for being here and help give us (audience "yells" "can't hear you!") Thank you for being here and allowing us to answer some of your concerns and provide you with some the technical input that we have that may not be apparent.

First of all, the question about earlier that the ... how many people are going to actually live in this area. Maximum population that we're looking at increase, one, two, three bedroom units composed about approximately 962 will increase at 100% occupancy. So, yes there will be some demand, there will be some water demand. We are looking to solve the problem. We are meeting with the different agencies; Guam Waterworks, Power to solve the problems. Mitigate whatever the problem that might impact through the connection. Average demand on the water is about 120 gallons per day is what we are looking at. When we first conceived the project, this started about seven years when we started doing development in Pago Bay Laguna. During the time we were developing Laguna project, we made earlier preparation, we met with various agencies at that time seven years for anticipated demand today. We had made these provisions, we have made stub-outs for major sewer connections, we investigated sewer demands. We think there is adequate sewer capacity at the pump station that was newly built at the side...on the Chalan Pago side. When we investigated the water...sewer lift station capacity, it was operating at approximately at around 40 to 50 percent capacity of its original design. So we think adding 300 units of this condominium it will not impact. In fact, it will actually help the performance of the pump that was originally designed for since it is under-utilized. I think that was ... did you have any other questions or

Tom Andersen (comments that speakers were being adjusted so everyone would be able to hear comments and testimonies being made). (low audibility) you that that you're going to have that you're going to be well within your (undecipherable) to be handle sewage. Do you know that a majority of the people in the area not had sewage connections they're all on septic systems because there is no money within the budgets to run sewer lines up to peoples who've been there for years. And you're talking about you're going to dent you're going to put another 1000 people in there and you're not going to put any extra demand. I'd like to see something to do to improve ... if you want to build a multi-million dollar operation to help the

Tom Andersen (cont'd) community don't just say you're not going to impact that's in my mind [EXPLICIT WORD USED]. You're going to help. If you want to get in there and you want to do something to help the community fine. If you want us to all just say yes it's fine you're ... way out of line, I'm sorry.

John Sherman thank you for your ... I'm here to answer technical issues and technical questions.

Adrian Goque good evening everyone and I am from the beautiful village of Ordot-Chalan Pago, but I live closer to the Pago Bay area okay. I'm here basically to voice my opposition to this variance application sir okay. So, if you just bare with me I want to go through my story board. I was born in the mid-sixties. And growing up ... you know we heard about this Chamorro legend the giant fish that ate Pago Bay and Agana Bay, and fast forward, it was our ancient Chamorro women who used ingenuity to basically craft a net out of their long beautiful hair and trap this giant fish that was just eating away on the Pago Bay side and the Agana Bay side. So that's the legend. Sadly, today (low audibility), that legend (low audibility unable to make comment made) twenty-first century developer has already begun to destroy Pago Bay okay. I returned back to the island seven years ago (audience asks Mr. Gogue to speak louder). Sadly today, there's a twenty-first century [comment made in Chamorro language] giant fish [spoken in Chamorro] Pago Bay that's eating away at the Pago Bay land! I'm using that analogy to point out that that the resort that they claim down there has been dormant for the last several years since it was open for business; and now this same developer, I think, is the same developer is proposing to build two stories, two monstrosity towers down there, fourteen stories and 15 stories. Did you know that that exceeds the variance that is allowed by the Guam Code Annotated Title 21 Chapter 61 of the Real Property law! Okay! There's a lot of action that's going to this in terms of folks who are voicing their opposition to this project. According to the article, I guess, it's either the PDN or KUAM, their variance to increase the density from 65 units to 304 condominium units with a proposal to probably turn that into a hotel! That's not Tumon Bay folks! That's not Tumon Bay! It's not Waikiki! It's beautiful, serene Pago Bay the way we know it today!! Mathematically that's 367 percent (pounds table) increase!! 65 units they want to ram it up to 304 and if you read and believe what they put in the PDN and KUAM they said about 30 percent of that area down there is the wetland area. Now I'm not an engineer, I'm not an environmentalist, I'm not an archeologist. I'm just an ordinary citizen. Now these are some of the things that I discovered since the two weeks this story broke our island media. Pago is an ancient Chamorro village! And I hope you know that! Thank you! So (undecipherable) if this variance application is approved and to further commercial develop Pago Bay, I see of the destruction or ancestral and cultural history! First and foremost ... we are Approximately 200 square miles doesn't have a lot of available bland (sic), resources sir. We're trying to preserve what is left and we can hang on to. Pago is name for abundant natural resource okay! According to Guam-pedia, it's the white hibiscus plants grows along the area and every now and then I gotta get my machete and go and trim the branches to prune it a little so that way it's not obstructing traffic and our view. The loss ... the impact is the loss of habitat pointed out by the gentleman right there (thank you sir) that this is detrimental to the environment and local

eco-system. (Undecipherable) said that there are rare species found in Pago Bay River. Under Adrian Gogue (cont'd) Title 21 Guam Code Annotated Chapter 61 Guam Zoning Law so I called Guam ... Department of Land Management this morning and I spoke to Celine (that was me Celine that called). Okay so the area is already zoned "R2" which is a multiple family dwelling. And did you know that all of those other things that they talked about it can be used for single family dwellings, duplexes, multi-family dwellings, etc., etc. Check this out; hotels. Hotels! Last I checked condominium does not equal a hotel. And what they put in KUAM or PDN, Mr. Sherman, I'm sorry if I'm mis-quoting you, but you said "the intent was to market locally with a long term arrangement for a hotel." Okay. I don't know if that's accurate but that's in the KUAM article or the PDN. Hotel! Again, Pago Bay is not Turnon Bay! It's not Waikiki okay! Conditional uses, health clinics. Further in in Chapter 61 the height limit is established in Paragraph 61401 okay. The developer is applying for a variance to basically get approval or waiver to build these 14 and 15 storey monstrosities down there in our beautiful Pago Bay. Okay. The impact, if approved, Department of Land Management, the towers will further alter the beautiful landscape down there okay?! And what's to prevent future developers from erecting from other monstrosities in our beautiful area down there. This is the seed that's grow (sic) down there and out of control! They do it once probably they'll do it again. Okay?! Now there's another Chapter 63, Territorial Seashore Protection Act of 1974. Okay?! And it says the development will not have any substantial adverse environment or ecological effect. It says the applicant shall have the burden of proof on no issues. All the mitigation, all the corrective action is on the developer. There's no substantial interference with or detraction from the line of sight towards the sea from the territorial highway nearest the coast. Adrian Gogue's education says Route 4 is the nearest highway and they put these monstrosities there it's going to obstruct the view no matter how they try to say it. They may reduce the footprint looking this way, but they're going to increase sky-print going up. Okay?! Footprint and sky-print are all the same to me. It doesn't belong there gentlemen! According to the developer's application a variance is needed because the number of units exceeds 65; and again I said, mathematically, 65, wrapping it up to 304 units, that's 367 percent increase. I'm not an engineer, but if you try to ram 360 percent increase into anything the system is going to break sir. The system is going to break at some point. Okay, those are the things that I put down. Did you know this this. What we don't know sir is what is the master plan for this proposal! Everyone's kind of said a little bit of this a little bit of that. Now just going on the list that I kinda put together; the utilities, the power and the water, the road network, the traffic and congestion, waste-water, sewage, the site improvements, the habitat and environmental impacts, okay. Those are just some of the topics or the issues that are barely scratching the surface. I spoke to Celine this morning or this afternoon she goes ... I said, hey...a....well she made a comments (sic) that they haven't received the government agencies' inputs and assessments and I'm sorry Celine if I'm saying out of turf. [Ms. Celine Cruz, Case Planner comments "not all."] So I think our conversation was GPA and Department of Agriculture have not yet submitted any inputs for this development okay. So, we are ahead, the developer is trying to get ahead of all these GovGuam agencies that should be weighing in and letting us know here the concerned citizens of Guam what are going to be the impacts. I'm not going to read some flowery master plan that's going to be one sided that they're going to put out there for us to read and you know, say oh yeah that looks good. If you look at the rendering of the two monstrosities there it shows that Route 4 is partially even driven! That

Adrian Gogue (cont'd) is a façade if you ask me. Look at that artist or that ... the engineer rendition. You look at Route 4 they may have like ten cars spread across Route 4 as they go up Yona. I beg to differ okay! You know we kinda got educated with the Guam military buildup and this thing called environmental impact survey so is one required here? They hired an environmentalist to go out there and study the wetlands don't stop there sir. Don't stop there! That's just step one. What is the target demographic for this project?! If this is the same developer that developed that the Pago Bay Resort, the single family units right there adjacent to the proposed lot, I hate to say this but as nice as it looks it's very empty and wide and I'm just gonna go out on a limb and say because it's very unaffordable. Very unaffordable! So what is the target demographic for putting this condominium there? These two monstrosities! Okay?! And this is kinda like the quote that I'm getting here sir; "while the intent to market locally the development can be later used as hotel for a long term arrangement." Go back to the beginning of how I started. How does this protect and preserve and honor our ancestral and cultural history. Okay? How does that do that? How does this protect the Pago plant that's down there. The mangrove crab the (Chamorro word used)?! (Comment made after this was spoken in Chamorro language] Right?! Okay?! No sir I applaud the photos ... can I use your photo sir. Yes we all know this especially for those of us that live in the area. But join us sir, join us in correcting this problem not by further complicating it by building condominiums! If you truly care about this then maybe we need to band together as a community but the answer is certainly is not like hey here's the trade off to clean the river mouth and in return I'm going to build these two monstrosities. [Comment made in Chamorro language] right?! And you know those the things that we have to live through and we struggle it and we understand it. We live here in paradise that's the price of being out here. But to use this and say my condominium projects are going to solve this; sir, don't insult our intelligence please. We know this is a problem here. But building the two condominiums is not going to resolve this. This goes all the way back to the mouth of Pago River up in Mannegen (sp?) Hills. Okay?! Now again we're passionate about this and you can understand why. For you it's two condos 304 units for us it's our preservation sir. This is what we have left to hang on. Okay? And keep in mind it's not just the development it's the variance okay! I'm sorry it's not just the variance it's the development of that area. We need to keep it preserved. I was talking to a ... a great lady a couple of weeks ago and she said you know what the south is the south you gotta preserve that. Tumon Bay, the waterfront, the covert issue, the proposal to build a five star hotel in Agat. See, all these things are creeping up on our watch. This is our watch.

Now I'll finish up by saying, our watch right; an excerpt from the [Chamorro word pledge and says remaining comments in Chamorro]. Translated ... to protect and defend the belief, the cultural, the language, the air, the water and the land of the Chamorro extended to everyone who calls Guam their home. This is our watch. This development is going to be irreversible. Don't try to impress us with these nice artistic renderings because that's not reality. That's what a cars salesman (sic) does to us you know what I'm saying. He sells us all the goodies and then once we buy a car then the maintenance is on us. Thank you gentlemen. In closing, you could see we're very passionate and I'm glad you've given us the opportunity to voice our concerns. If you really want to do us ... and preserve the cultural don't develop that. But if you must develop that, build a cultural center down there that tells about the history of the islands of the Marianas.

Adrian Gogue (cont'd) the people that settled here and how this cultural center educates and works towards preserving our ancestral and cultural history. [Says, thank you in Chamorro language] Thank you everybody.

Richard Sana thank you for your comments. Just a little correction on the math there. We're over density by 22 percent not 300-sum percent. We're allowed to build 239 units and we're asking for a density variance of 22 percent.

Adrian Goque one percent increase is one too many sir!

Richard Sana and also ... I feel the sentiments of everybody especially with taking care of the environment. Believe me I live and I'm going to live here for my whole life. But you know ... and...we like to look at (you know) ... when we're discussing this one of the things that John Sherman and I have talked about and also other peoples is to see how we can develop in using low impact development. You know like the power demand for this they're saying that ... I don't know what the figures are John, but we ... the architect has ensured that we're going to be using LED and all this those solar power lights that will reduce the the power demand. And one of the things that I asked him because we're going that high is to, you know Build a roof garden on top of the facility and this is going to ... once you buy units over here how could you ever turn into a hotel because that's a permanent residence.

Unidentified Speaker[2] sir, money buy anything.

Richard Sana you know what I'm saying .. is is is it's not true what you're saying ... it's going to it's going to become a hotel. You said don't lie to you? I'm not lying to you. I mean the whole concept that we're introducing her is going to be an apartment and eventually it'll be converted to condominiums; we're not building condominiums we're building apartments.

Unidentified Speaker[2] can tenant be food stamp recipient?!!

Richard Sana anybody that wants to buy a unit. As a matter fact I have a local friend who is disabled and in a wheelchair and he approached me and he asked how much are those units are going for. He says he loves the area, he wants to live in that area. This is a guy in a wheelchair. He's been in that condition since he was 18 years old since he got into a car wreck. Right here in Yona by the old Bernardo store where his vehicle wrapped around the utility pole. He and his brother were the only one that survived and they lost their friend in that accident. But here's a local guy that's asking....there's another local guy that we know that's also inquiring. You know ... I sense everybody's desire to preserve, you know, the pristine condition of the island. But you have to remember that we're growing in population all the time, every year. Soon we won't have enough land to build horizontally and the only resource is to build up. And the reason why we're doing this is because we want also to have open space. We just don't want to build cover-up majority of the property with a concrete building. We want to be able to have open space. We used the wetland to have open space. The wetland is is beneficial to the island. We don't want to destroy the wetlands; I know how important that is. It helps with the flooding.

Richard Sana (cont'd) we're not going to disrupt the flow of water that goes into that wetland. As a matter of fact it increase and to me I say hey we're not it's increasing ... so eventually if that wetland keeps increasing then it will limit the structures. But right now we're at that size which is at 32 percent wetland area and that's a (undecipherable) area. And the reason why we had to go high also is because of the shape of the property. It looks like a funnel. On one side is Route 4 and the other side is the Pago River and also bound on the other side is by the ocean with a beach. So you have to come up with a a a design concept that would accommodate to build you know, within density but we're asking for the density because of the ... some constraints that we've encountered. And also the river, the river is constantly being polluted and it's not only because the stuff is coming down Leo Palace in in The past the Lonfit dump. They're dumping all kinds of stuff in there.....there's a a evidence of lead and metal content from all the stuff that were leaking out of the Ordot Dump. But most of that not from that area but they also found out in a study that some of the pollution are coming from the lower campus of University of Guam. I have the study here if anybody wants to see that! You know those are important and those are the things that we took into consideration; how could we do this? You know, how can we ... you know ... I mean I know it sounds bad to build high rise building but you know like I said as our population grows, as your children grows and have their own children where they going to built (sic)? Most of the local people have already sold out all their property! I know that... there's a lot of people that have big property before and now renting from somebody ... from a person that lives or not born on this island. They're renting from somebody else.

<u>Laura Biggs</u> (University of Guam Sea Grant Program) for the last seven years I've served with the University's Sea Grant program as an Assistant Professor ----

Celine Cruz I'm sorry Ms. Biggs, can we allow Mr. Sana to finish his thoughts, his response.

<u>Unidentified Speaker [3, female]</u> I'm sorry I can't restrain myself. I have been to a number of Land Use Commission hearings and I've been fighting this issue for like 25 or 26 years. And I've never been to a Land Use hearing where we're here testifying to the developers. And they're responding to us when there all of these people here that want to provide input. So, who here is from the Land Use Commission that is taking our testimony so that when they have to make a decision on this we can actually see them face to face and they know what the rest of us and I'm sorry, but we're not all transplants.

[Unidentified Speaker 3 was later identified as Joann Brown]

Richard Sana okay.... I apologize I

Joann Brown I'm not here to debate you. I'm not even here to listen to you because I know you're going to tell me how everything is wonderful and how you're going to mitigate it. And Mr. Sana, you were I recall when the Ladera Towers was constructed because I was at EPA at the time, and you had relatives that live up there in Mangilao. [Mr. Sana responded "yes."] And when they built the Ladera Towers it has a capacity of 1000 people. They connected that to a

Joann Brown (cont'd) two-inch waterline. They promised they would build two water wells for GWA. They promised that they would upgrade the sewer line to the facility; years later it never happened. That's why those of you that live up there or know people that live up there they can't even get water to the second floor apartments and condominium units that were built many years ago because the impact of this development. Land Use Commission will set conditions that will promise the moon. They will tell us everything is wonderful. All of this (undecipherable) stuff about well this is absolute "BS." Before I dug my courage up, I spent a lot of time as an environmentalist on Guam. I am the person that helped all through the creation of the marine preserve and thank you Linda and company for protecting Tumon Bay. But they can't go and do whatever they want to with the wetlands there are laws that restrict them in terms of what they can do with the wetlands. This developer bought all of this property, sold these individual lots, and then a small portion they carved out closest to the ocean and the Pago Bay River and now they're telling us because of all these constraints and thirty-plus percent of wetlands they gotta compose all this in a small footprint and they've gotta build 14 to 15 stories high. And granted there are people that have sold their land. I happened to have inherited land in Pago Bay. My parents and myself have acquired three other properties in Pago Bay area, but I am part of the Salas family. The property that jets up next to the University of Guam marine lab when you look up to your right is owned by family. My grandfather Miguel Quitugua Salas is who I will ultimately inherit that land from and other members of my family. 95 percent of my life has been spent at Pago Bay. And for many of us who have our single largest investments in our home; we live there because there's quality of life for family and for us and for the bay. It's not about money. At the end of the day you guys are looking at money and you're looking at big money. You're wanting to take this monstrosity of a development that you're bragging is going to cost seventy to eight million dollars and tell us that you're doing to it for residential needs in the community. I don't know too many people who have millions of dollars that are going to be able to afford to live there. The constraints and changes; what this is proposing, the simple word variance, we're going from two storey ... a maximum residential homes to a 14 and 15 storey building that totally has no business in our area! And the residents up at Ladera including members of your family Mr. Sana, suffered from discolored water or no water! And while Land Use Commission will sit there give us all these conditions that they need to meet? The Land Use Commission is very weak in following through in ensuring that those upgrades and improvements are made. And what happens like Ladera?! That project has changed hands and ownerships so many times. Who are you going to back and deal with?! Who are you going to go back and litigate?! We're talking about a significant change to the quality of life that many of us have worked so hard to maintain. I don't know about you but my single largest investment is in my home. I don't have millions of dollars to move anymore. And I don't look at it as, people going hey Joann [Chamorro term] you're going to make more money sell your family land cause hey and we have real estate people knocking on our door all the time want to buy our land! And for me money is nice. I have enough to live comfortably, but I'm not going to sell my soul for it and I am not going to sell quality of life! And your intention is to build this project so that offisland people who big money be it China or wherever they want to come from are going to come in and take over Pago Bay! And many of us grew up at a time when we remember what Turnon looked like before those hotels were built. When you could just drive down the little sandy road and go to the beach and enjoy that with your family! And most of us on Guam ... well we have

Joann Brown (cont'd) to have economic development, we'll sacrifice Tumon. But now what's next? Pago Bay? Agat? Inarajan? Merizo?! I mean we very much have the right ... that's why I find it odd we're sitting here testifying to you? Why?!!

<u>Celine Cruz</u> I'd like to just clarify that the process is that the applicant is here ... I'm sorry, I'd like to talk about the process. And that is the process if for the applicant to present their proposed development to the public, to all the attendees here this evening, and there are members of the Land Use Commission via the Department of Land Management staff here

Joann Brown (interjects during Ms. Cruz's explanation) yes, but you are not the Commission! None of you are the Commission! That I know! I've been at this a long time! You are not the Commission!

Celine Cruz but we are, but we are taking notes ----

<u>Joann Brown</u> (again interjects) but let's note the fact that the members of the Land Commission that are going to make a decision on this issue are not here tonight! I am dumb-founded by this! I mean that is inexcusable!

Celine Cruz we are staff of the Department of Land Management ---

<u>Joann Brown</u> (again interjects during Ms. Cruz's comments) I could appreciate staff. I run a sizeable government agency I appreciate staff but at the end of the day it doesn't cut it! You are not the Land Use Commission!

[Unidentified gentleman in the audience yells out "you mis-represent yourself to us! You call that a lie!!]

Joann Brown I just don't want us to be in a situation where we're here providing testimony to the developers. I will tell you, I've sat through many of this. I've been fighting with the Pago Bay issue for many, many and will do it till the day I die. But I definitely want to know that I'm talking to the people who are going to take the input of myself and the members of my community that have something to say because we do have something say. Mr. Sana, you knew you were going to get this tonight you probably maybe more than you expected.

Richard Sana I did.

Joann Brown so you need to realize that I ... I understand that you gotta do what you gotta do. You gotta tell us how you're going mitigate all these issues and the world is going to be wonderful and what the heck is our problem everything's going to be great. But at the end of the day what you're proposing to us is changing our lives. Changing a community that we live and love and care about very much; and that to me is not okay. You know the way I found out about it ... I heard the rumors about this project, but the reason why I'm also upset because hey I got registered mail, how many people got registered mail being notified about this hearing. The

Joann Brown (cont'd) reason we got it is we're within 500-feet, at least one our properties are, of this development! And I want to talk to my Mayor! So yeah other people can complain but we're right there! We're going to be within the shadow of this development. And my mom and dad worked very hard for what they have. Fortunately I get to inherit it lucky me. But they worked very hard to build what they have for our family; and I know many of you have done that for your families. You want to have to pass onto your children and your grandchildren and grow up in a Guam that has quality and I think we've got every right to demand that. This project has no business in Pago Bay. It is totally incompatible with anything there. You look at Ladera Towers and still to this date those residents up there still don't have the quality of water and that facility has been there almost twenty years!

Unidentified Speaker [2, male] I'm against the project. I want to ask you. What brought the Chamorro people the Guamanians of Guam to open up Tumon Bay to tourism? What brought them to bring them in?! Ricky Bordallo stood up before the people of Guam; he said I'm going to make Guam grow! And he brought the tourism to Tumon Bay with the building of Fujita Hotel okay?! I remember Ricky because I was a loyal supporter of Ricky in those days. But now the people don't want that kind of growth. Let's be human beings, let's be our people, let's have our own identity! And when we get that identity we'll know that we will be a free people of this island. Because they know everything is beginning to corrode beginning to lose a lot of our cultural right? Because there's a movement to take a Chamorro language. There's movement to save the dances, the literature of the language, the natural habitat and we have as a people have to stand up and say developers, commercialism is good for Guam but it's not good for certain parts of the island okay? Let's tell the developers where to grow and where not to grow. This is one of the projects that you have stand up and say we don't want that growth in our side! We want to say we want identity grow, we want to know (inaudible, low) peaceful, loving, we love everybody. Once you encroach on that identity, our own way of life everything's going to stop. We're going to be fail (sic), we'll fail, we will fail ourself (sic), we will fail our cultural, we will fail our ancestors if we don't follow what (undecipherable) to protect what is important to us. And that's the basis of my testimony (low audibility, remaining comments) provided with everything that I said.

Joann Brown I just want to wrap up because I know there are many other people here that want to provide comment. But I do want to note for the record; actually I want to demand, I'm sure we'll be talking to the Director of Land Management that (you know) if you're going to hold a hearing with the Land Use Commission, I'd like to see the Land Use Commission come and face us and allow us to provide our testimony and our input. Because if all this stuff is just going to get regurgitated by staff, and maybe they're going to read the report; you know I can see how this can go sailing through. And I also know that how people connected to people can make this happen even when the community speaks out against it. I think we need to be very diligent about that. Because this isn't just about this development this is about changing our quality of life. Our quality of life in Pago Bay that many of us have sacrificed so hard and so long to maintain and hey foreign investment is good; but, it could overwhelm Guam in a second. You know some people will sell their soul for ... I've been in politics like that I've seen it. And I've seen how decisions get made even when the community speaks out and I think we need to be

Joann Brown (cont'd) very vigilant about this project. The fact that the Land Use Commission isn't even here is an insult. Because I know a lot of people hey all went to work you came home haven't even had dinner and haven't seen your family and the Land Use Commission has us testifying to the developer who is going to tell us everything is wonderful?! Anyway, I just want to bring that up, but I am just noting for the record that is the complaint I have and at the end of the day this project has absolutely no business in Pago Bay. That developer with all the land they acquired could have spread this development out, they could have set it out back on that lot, but no, they let this last little piece and said oh we don't have any space there. We don't want to destroy...you know Richard you can't ... you can destroy the wetland anyway! You would have to mitigate it or replace somewhere else as soon as you get permitted to that! So, you're not doing us any big favors. Or talking about how this ... an environmental thing. Hey did you drive by...! double looked at that lot coming up here and wow that's so small. And they want to do all this?! It's just wrong.

Laura Biggs sorry for jumping the gun there. So my name is Laura Biggs, I'm faculty with Sea Grant, umm technically I'm in the Biology Department now but I'm still liaising with some of the projects that we have in the Sea grant program. For the last seven years, I've served with the University of Guam's Sea Grant program as an assistant professor and during strategic planning process for Sea Grant in 2008, Pago watershed was identified as a priority watershed which meant that we wrote grants and sought funding for activities that would approve the watershed health in Pago Bay. Umm, the basis for this priority ranking was that the watershed was significantly impacted by erosion and sedimentation and everytime you've driven by the bay after a big rain you can see the plumes of soil in the water. Umm and there's a relative possibility of federal dollars that are being allocated to improving that watershed health umm, specifically within the Pago watershed. Umm, so this is also an essential habitat for fishers and recreationalist. It's well utilized bay and umm, Sea grant has an interest in maintaining that utilization. We're not trying to promote it being shut down for certain reasons or anything like that. To support this priority ranking I oversaw several projects for the Pago watershed and my team and I have sought to educate students on Pago watershed as well as to deploy scientific water quality monitoring in the bay so that we can have base line data needed to support the (undecipherable) decision in the (undecipherable) of the watershed. And so for the last three years we've been gathering data in the bay and in the rivers umm, pertaining to water quality. Umm...and one of the products of this was the Builders of a Better Bay program which you may or may not have heard of. Umm, hopefully you'll hear more about them later as we continue our efforts to help this watershed effort. Umm, Pago watershed is a fragile ecosystem that is at a tipping point. From an ecosystem standpoint, umm, the community and government would be best served if we act to minimize the challenges (umm) to the water and the coral reefs that help sustain our island's people.

So, being that it's a fragile ecosystem the erosion and sedimentation are leading the decline which is one the major issues in the bay. Since 2012 we've used some Sea Bird Electronics equipment that monitors chlorophyll, temperature, conductivity, pressure and turbidity data. Turbidity is a measure of the relative cloudiness in the water and relative amount of sediment. So we use this to indentify after big rains we can see a direct relationship between a big rain

Laura Biggs (cont'd) event and massive amounts of soil entering the watershed. And a lot of that is coming from further up in the watershed in the badlands where we have fires and off-roading and other types of (undecipherable) effects by Leo Palace. So, that creates a very dynamic what gentleman from Black Construction was commenting on a very dynamic river. Umm, it can rise 10 to 15 feet in a matter of seconds, flash floods are very common. We can see this on the equipment that we put in so we know that and we have our data (scientists like to have data) to support that sort of thing. The beach is highly dynamic as well. So you have a beach that can be completely eroded away from a big storm event or it might have maybe a 10-foot span. So I think representing it as an area that can be utilized for laying out or beach going might be a little bit of a stretch. Umm, so we see a lot of the turbidity issues that we see in the bay and also in the rivers. Umm, and so with little vegetation to slow down the water entering rivers by the time water comes in it's moving in such a high rate that it can really be a public safety issue. So if we have people umm, saying utilizing the river or in the bay at that time which more people living there would potentially result in more people utilizing that area. That percent is a potential safety concern.

In addition to the rain drive safety concerns, there's also ... it's very vulnerable to flooding that was mentioned before and it's a common problem for people passing through that artery to get to the south and it's also in a tsunami inundation zone. Umm, so how would we get people out of that area safely (umm) in an expedition fashion. If the expedition fashion you have five minutes in a local tsunami before the water is on land that's a lot of people to move on one road, umm, very quickly.

Storm surge is also an issue. So we've seen storm surge from one event go up to about 20-feet inland and you can see that by the high watermark after a big storm event. Umm, so there's a lot of safety concerns. I think (umm) if things are going to be done we need to make sure that we're preserving the safety of the people living in this area. Umm, this area was also a sight for bleaching, coral bleaching. So kind of (undecipherable) to the fact that this is a coral...fragile coral ecosystem that we rely on heavily and a lot of fishermen have commented that the fish are declining and that (umm) it's being over-fished. Umm, so if you're adding erosion and sedimentation, fresh water input, umm bleaching events on top of that further complicates in (umm) moves, moves the tipping point a little closer.

The south shore of Pago Bay known as Ensa Beach historically, is a major site for marine debris as you pointed out. Umm, interestingly this site is not one of those sites where people go and dump trash. It's actually coming from the ocean unfortunately. Umm, so you could clean up the beach one day and 300 more pounds of trash can roll in the next day. And I know that because I've collected it myself with students (umm) we've collaborated with international organization (undecipherable) for water and catalogued all the debris. You have large 3 meter pieces of plastic and you have 3 millimeter pieces of plastic that actually get embedded into the sand and they're extremely hard to remove. Umm, so with more people being exposed to those (umm) plastics as they degrade they are known to release carcinogens. I think it presents a potential public safety hazard in terms of how that (umm) how we would be mitigating that plastic debris and it's very prevalent at that site. Umm, the beach at Ensa fluctuates as I said

Ms. Biggs (cont'd) umm, we've commented on the nipa palms that they are umm, that they are umm....how are we going to ensure that they are protected umm, and that if we're going to build a marina most likely we would have to impact the area that has nipa palm. I'm sure that (undecipherable) or someone from (undecipherable) more articulately on that. But, umm, historically the bay was used as a major marina as a point of access umm but that was considerably a long time ago and in order to support a marina in that area again, you would have to do a significant amount of dredging in the channel (umm) and that basically means you're going to be dredging up all of the soil that has been deposited from further up in the watershed into Pago Bay. Where we have our equipment there can be up to six feet of sludge from the soil that's dumped down and so that raises some environmental concerns in how you would (umm) create a passage way for craft to get in and out of that. Umm, it does potentially create a better access point for boats leaving to retrieve people who are in danger on the east side, but umm, I think it would require a lot of work to get to that point.

One of the major issues I think that comes with this development in particular would be the freshwater input into the bay. Most bays can withstand an influx of freshwaters into their systems. Umm ... and eventually with changing tides and umm equilibrium will be reached and the coral and fish will not be negatively affected. Umm, too much freshwater can kill fish and coral, and Pago Bay is relatively a shallow bay and can be significantly impacted by large influxes of freshwater. The sea grass are home to a variety of juvenile fish that could be negatively impacted. Our residents saw this first hand in August 2012 when a large rain event combined with extremely low tides. So we had a very low tide, the water was (it was in August) and so it's very hot and then there was a huge rain event that caused the massive influx of freshwater and it actually causes a major fish kill in the bay. Umm and so how are we going to ensure that the freshwater that is coming into the bay (umm) is not being (umm) not going directly into the bay and causing potentially something similar. Building a structure, a compound such as the one that is proposed usually involves a lot of impermeable surfaces. Umm and so that's a lot of hard-scaping that we're using for gardening, (umm) cement structures, and paved roads and (umm) ... The paved road in the picture anyway is right along the shoreline within 15 or 20 feet of the shoreline. And so there would be plentiful impermeable surfaces and perhaps not enough permeable surfaces that could actually help to soak up the water. And so (umm) I think there's some opportunities that if something was to move forward from here that (umm) you can implement some best practices that aren't necessarily required by GovGuam law, (umm) but that would be necessary in order to produce the impact on the watershed.

Umm, so, public access is another one of my points. Being that I work on the bay, we've done clean ups on the bay, site visits; I've been there with some regularity over the last four to five years and I see fishermen regularly entering (umm) hunt for octopus and go fishing on that side, on the south side of Pago Bay. And so I would want to ensure that the public access is maintained. That's the main strip of sidewalk that leads directly to the beach is pretty much the only access point for the fishermen entering on that side without having to traverse all the way from Francisco Perez Park. Umm and so it is well utilized by fishermen and I think that ensuring and clearly outlining how (umm) that access point is going to be maintained and not necessarily not through any buildings or (umm) complicating access any further for the residents.

Indentified Speaker [3, male] (low audio) we have a period of time of development ... especially in the natural habitat of Guam right? We had the Spanish period it describes the habitat full of natural plants, even timber okay. Then we go through the phase, after the 300 years Spanish occupied Guam enter the Japanese period right. And ... the habitat they inherited from the ... first from the Americans in 18....active war they took away this island. But the habitat that they inherited basically came from that period of time after the Spanish occupied Guam right. Part of the historical records, the Spanish really exploited the habitat ... people are stating taking away all of the (undecipherable). My question is after World War II they introduced the species, this plant "tangantangan" (sp?). It's not native to Guam as I understand it. It was brought to us. The thing is what ... according to their reports; they report there's a nipa, you know the Pago plant there's some species there. How much of the natural habitat can we say that was destroyed by human occupation? Especially in the Pago area as compared to other areas on the island? Are we experiencing more destruction of natural habitat presently now in Pago Bay? I guess the natural habitats only being erased because of the application of the human, you know, buildings, people living here. Because we know that Tumon Bay is not the same that we lived in prior to 1975 right? I know this because there's a lot of tangantangan not there anymore. (Unable to finish comments due to excess noise)

<u>Laura Biggs</u> to answer that I guess that area has been highly dynamic over many centuries (umm) it was a firing range at one point and so it's changed a lot in the native habitat. Umm is probably pretty low compared to some other untouched areas. But that area south of the river has gone through a lot of changes during the war and post-war.

One comment that was mentioned about the dump (umm) being a source of pollutant and the leachate...so the study that you were mentioning actually provides (umm) data that says the (undecipherable) from the dump was not entering the bay it was actually being retained up directly next to the leachate is the nice soup that comes out of the dump and it was actually being bound by the negatively charged clay soil. That clay soil is able to soak up those toxic chemicals in a way that prevented them from entering the watershed. So there are leachate spots in the bay that are highlighted in that study (umm) one being lead from the firing range on the south side of bay (umm) and there is a source of pollutant from the water testing facility at the University of Guam. But that's pretty much the only areas that have been impacted and none of it was coming from the dump. I just wanted to make that statement.

Marvin Aguilar hello, I'm with the Department of Land Management. Just a little of housekeeping. We've had folks .. we have a very large group of folks today, and I would like to give everybody the opportunity to speak. I do see some families out there with children and they're starting to get a little cranky. So, if we may, if we can have testimonies, provided, if we could keep it to a minimum. I would ... to the point where you could can express your opinion. I do like to also announce that you do have the opportunity to submit your comments in writing to the Department of Land Management; you could do it through my office or through the Director's Office (preferably).

<u>Unidentified Speaker [female]</u> can we request another public hearing with the Commission actually here? For people to provide testimony ---

Marvin Aguilar well, if I may, if I may. This is not, for the lack of a better term, it's the pre-cursor to the Guam Land Use Commission public hearing and it is open to the public. By law, we're supposed to have this public hearing. We notify the municipality, represented by the Mayor and his MPC and the people within 500-feet of the proposed development within that municipality. So, we're following the law as it is prescribed for us to conduct; and, unfortunately we cannot go beyond that. There was a request by the other municipality to have another public hearing and we're requesting at that time that perhaps they can coordinate that with the developer or representatives of the development to hold a public hearing in their municipality as well. So, that being said ... so, as you make comments, for the record, we are recording this. We have various recording devices behind us. So, please state your name and perhaps where you live or municipality. Thank you.

Zita Pangelinan I'm a resident of Yona. I really appreciate the time but most importantly, I think, in the interest of time, there's been so many issues identified very specific and thank you for all those guys ... Mr. from Black Construction and Mr. Gogue and Ms. Brown who have given us a lot of input. I got notice of this, got wind of this when I read the paper. And so, you know, when you were talking Ms. Brown about the notification, umm, I heard it on the newspaper so I really never got the time to truly research what the impact ... I mean, first of all as a resident I'm already recognizing ... we've got so many issues just with the current situation here. We drive to Agana in the mornings and the traffic is backed up. We've been through a lot the storms and the water flows and traffic being cut off and so having to find alternate routes. Umm so we only recognize just without this development how it adversely ... the conditions are already very, very poor for our situation and we have work to mitigate those situations first. First and foremost. But then this development is here and not having under ... and like I said the short notice because I just saw I read the notification and then I made sure I passed through but it's very difficult to see that notice to rezone when it's flanking the other way and we're driving and we don't have anyone So we're really searching out and why we are searching out these notices when we're the residents. And so ... and then again you bring up a really good point so I don't know the process so I'm kind of leery about testifying but it is important that I did make one research including Mr. Gogue's input is that in the GCA Real Property Chapter 61 Zoning Law, it's already a law. The fact that the zoning Commission ... the Land Use Commission has certain ... regulations ... the bottom line is that this Commission is to ensure that the adequate provisions for community utilities, facilities such as water schools and parks and other public requirements but most of all to prevent undo concentration of our population. We are struggling to address many of our issues here and so as a family, our communities enjoy the harmony that we have as our community. I think in terms of development this would be a great adverse, I mean definitely negatively impact our community and our family life here. But again this is just because I really haven't had the time to do the homework like Mr. Gogue did but they've done incredible work. Now the second issue is that umm truly maybe perhaps the question is can you please educate us on this entire process because first of all getting all our people notified and the impact and then where does this go, and how do we ensure that our voices will be heard

Ms. Pangelinan (cont'd) and this ... yes ...like Ms. Brown said yes you're taking notes but I think the people, we the people do deserve the people that the decisions to be here at all the public hearings. [Closes with comment said in Chamorro language]

Mike Borja I am the Director of the Department of Land Management and the Executive Secretary of the Guam Land Use Commission. The Commissioners do not have to be present at this meeting as was stated previously. There will be another public hearing, it will be announced on the sign, notices in the paper as well when the entire package comes before them for their review and their decision. And that will be also a time for public hearings to be heard or for the public to be heard on the matter. And so there is a time for them to discuss this issue and to hear your voices directly if you so desire. But today is the time for you to understand what the developer is presenting in his application to the community that they are going to be affecting.

Zita Pangelinan and so if that's the issue then I think there were quite a few issues that were raised and I really don't think we got the answers umm by the gentlemen, the people that have presented so far. So I don't think we got ... pretty solid answers from those questions. Thank you.

Ray Benavente thank you ladies and gentlemen for all your comments. My name is Ray Benavente and I am the Permit Specialist for FCB and we've done various projects both in villages and in Tumon row and of course, Medical City. I congratulate all of you for attending. I've attended a lot of village meetings and other villages, and believe me you could probably the number of people attended with your fingers; and I really appreciate Yona, I grew up in Yona, the Benavente clan. We stayed down there by [undecipherable) beach; Chalan Pago the Andersens (sp?) the [commented in Chamorro language]. And so yeah as part of building permit, I retired (undecipherable) I know Captain Peredo, I know Ms. Brown, when we were doing Medical City, she was the Director, fined us, we again followed the rules. And that's the thing here, we are here your voices and again if you're not ... if you don't have time and you've gotta leave, you can again call the Director, call the Planner, get your information in. The developer is also here to get your input. The developer has done a lot of projects here on Guam; we're basically here we're trying to do our due diligence. With this group there are a lot of issues and of course in ... we're taking notes, we're taking that down to advise the investor. Make improvements, correct the road, build water tank something for the village. Ms. Brown's comment on having a village hearing before the project I love that. The issues with the development by the hospital those towers ... a bonding of demolition ... two years where the project is cancelled ... bonding thing for them. We're taking all these comments we're noting them down for future development because there's going to be more developments with or without us in your villages. As the next generations come on it's going to come on ... Ms. Brown when we turn eighty there's going to be more developments in our villages that we oppose of. Again, your village Mayor, your Mayor's Council...we know that we cannot move forward without the Mayor Council's comments. So again address your Mayor's Council and say hey yay or nay. As consultants to the developer and to the engineer and building permits and we talk to government agencies we're getting all the information we can on the weaknesses and the

R. Benavente (cont'd) positives. But we also have the positive of people that want to live in condominiums. We see people boarded up ...we have an old lady that (undecipherable) by herself but she's got money to buy a condo. We've got to take those into consideration. But the bottom line I think for this village is we hear your comments and for sure we'll advise the owners and the engineers and they're here also. So whatever questions you ask, if you have time, we'll be here till the last of you guys stay. If not noted down contact Land Management. We're here to hear all your comments and we'll be the one to present it to the GLUC and we don't want leave anybody out.

Dr. Diane Strong (I don't usually say the doctor part) I've been a resident of Guam since 1972. My husband came here to receive a Master's degree at the Marine Lab. We found paradise, we stayed. He died and everybody said aren't you going to leave now? I said this is my home. Ron Strong founded, with a friend, the first environmental consulting firm on this island. Asian Pacific Consultants. I know a little about EIAs because I've typed and edited before he died. I do know that there is an EIA short form because I went through the binder (can you hold up the binder Mr. Sana); that's not the kind that was at the Mayor's Office. There's a beautiful binder and I know what it cost just like when we were doing the We are Guahan and this and that, the big binder there's 32 of them. It would have been nice to have it earlier at the Mayor's Office because I drive by Pago Bay everyday. I've seen all of those little events happening and I walk my dogs down there, and so I was very surprised when I ... binder arrived yesterday and I looked through it and had some pages copied courtesy of the Mayor's Office. They did do an EIA but it's the short form because that is for projects that are estimated to have minimal impact. So, this seven page short form you all need to take a look at it. I'm not going to go into detail here, but every issue you raised is raised here. But of course the information is lacking. Now based on my long history of living here let's talk about enforcement. Let's talk about as-built versus as-planned. You have ... okay, enforcement; Leo Palace Resort paid a one-million dollar fine when they backfilled some wetlands. [Speaks in gibberish] Japanese are wetlands [speaks gibberish again], Ron didn't understand Japanese, but the million dollar price tag. Leo Palace was one of his projects. Royal Palm Hotel, the Royal rubble hotel? Only building on Guam to be imploded intentionally after the great earthquake. Why? Because a certain developer did not build as planned. Half as many pilings and I forget the other one ... oh, more stories then approved. That's pretty extreme; it was cool when they brought it down. Fish Eye Park was one of the most environmentally monitored projects. I don't know any negative impacts from it. Although it was one of the most loudly protested on this island. Let's talk about mitigation. Henry Simpson's Alupang Beach Tower is on Marine Corp Drive and on the ocean. He got variances. ! like the project. I haven't heard anything negative, but have we have heard did they enhance the sewer in that area that they were supposed to? I don't know. I don't have enough time to go and look all of these things up. Okay? And there's a lot of things; monitoring and enforcement. EPP, environmental protection plans, etc. But I think I have said enough and I'll give up the floor to other people. Thank you.

<u>Dave Okada</u> I currently reside in Mangilao, but I am a future Pago Bay, Chalan Pago resident and we are currently building. And so since this is for you I'm going to touch a little bit with you, a little bit with the CCU and a little bit with the audience here today. What you're going find is my

Dave Okada (cont'd) background is planning, but you're going to find and it's not going to be no surprise the area is already covered and more people will talk into those as they come up. You can already categorize it; traffic, water pressure, flood zone, sewage, power utilities, environment and culture. I mean I can already summarize right here it's just filling in the gaps. There's your report CCU back to your Commission it depends on what details lay under that. But here's the bottom line, I'm going to have faith, albeit Guam is not perfect. Where we're going to have faith in GPA, GWA, EPA, and DPW to make sure that compliances are in fact there because the rules are set, to include the CCU (sic) because there is a variance. So what I'm going to ask of the developer there's a reason why these variances are there. It was developed with a lot of research and a lot of input and that's why they exist today in law because the research had to be done. So what I'm asking is that instead of asking for an exception to that variance is try to work within it. And you've seen ... you've heard some ideas (who left already) it doesn't have to be a condominium, but if it has to be a condominium it doesn't have to be 304. It can still be built within the variance, and so that is what I'm asking you, contractor, consultant, is work within the variance because there's a reason why those variances were approved to begin with. I did a recon with my daughter we went on top of the hill, we went to the bottom of the hill, we went to our future home site, we went to where ... where former Senator Brown lives and the bottom line that we saw is that if you build this it does stick out like a sore thumb. It will become another Ladera. Aside from all the environmental and infrastructure and utility issues that I believe you already know all of our utilities and all of our agencies already know. We already know that. All the people are doing is just re-emphasizing that and that's good because we need that. Guam needs that re-emphasis and reminder because there is so many examples, like Dr. Strong said, we can build a laundry list of history as to why things have happened and if we don't learn from that past, we're going to be doing the same thing for the future. So, I am asking you to reconsider not violating the variance that's for you; "cc" you. I am asking that you inform the public here today; I know that you have a 500 radius thing, but there's people that live outside that 500 radius that are also interested in here today if that roster can be used as a notification roster. I think it would be important to them and to me okay...that they know when these next meetings are because I think if I ... because I think went to a couple of CCU meetings and I think the most important one for these people to attend is the CCU (sic) meeting where they're hearing everything and trying to make the decision for that variance request. That's the most critical. I don't think we need anymore hearings. I think weCCU (sic) just needs to meet. I think you're going to hear enough tonight. Another hearing is going to be the same thing. Maybe there might be a few more but I don't think it's significant to tweak where this direction is going okay. I think there's enough there but if you need more people who have been here for a very long time then they should speak up tonight and provide that input okay. Umm.....that's pretty much it. Thank you for your time. And for the record, I am opposed to the a ... to the a variance request.

Marvin Aquilar and again I encourage anybody who is attending this hearing there are opportunities so that you could voice your opinion. We encourage you to submit your comments, written comments to our office. You can come to our office and you actually dictate your (you know) your statement and you sign it; so we've done that before. So we try to take due process and take it to the next step and above that so that we could get as much of the

Marvin Aguilar (cont'd) publics' opinion, their sentiments, pertinent concerns that relative to what is being requested tonight which of course is for the height variance and the density variance and what not, okay?

Do we have anybody else?

<u>Linda Tatro</u> I have one minute, maybe only thirty seconds. I am a resident of Merizo. I am (sic) 500 of my closest friends recently work to protest and stop the construction of the Fujita Bay culvert. It would have not had happened without those 499 people. When we talked to Stanley Consultants they said they had to meet three criteria in order to move forward. Number one was to solve the flooding problem, number two was to stay in budget and number three was to meet stakeholder approval. I think tonight fully indicates that this project does not meet stakeholder approval.

Gerhard Schuab (sp?) I am a student and teacher/professor at the University. I just want to add one question. Your project has been there now for quite a number of years, and I would like to know what you have done so far as a community member in Yona? So, what did you contribute? What did the Pago Bay Resort contribute to the community in terms in allowing people access to this ... in terms of how much financial resources did flow into the Mayor's budget. So, if you want to increase your presence in the community I think you need to create some record of community citizenship.

Sharon O'Mallan we own land in Yona and stuff like that. So, I came to this meeting and I will voice a couple of things. One, I am very disappointed there's not enough chairs for the people to sit in, people are so tired they're leaving already because they're very tired! Two, thank you Senator, former Senator for letting us know that there is no tax Commission here and that this actual meeting is a farce. Nothing will be accomplished from here. I signed into that ledge and now I know it means nothing. I just signed up that I was here. I am so happy to hear from Miss UOG over there. What she said was excellent and I listened to her intently and Ms. Brown too, but I listened to her intently everything she said has to do, if you lived in Yona you know. What she said was excellent. I saw what happened to Pago Bay after the earthquake. I saw it. I don't know how many people remember. The water went out and then the water came in and literally went all the way into Pago Bay. The houses, the water was all the way here. I've seen what has happened in every typhoon major typhoon that hits on this side. The water comes into the houses above the roofs, I've seen it! I tried to pick nipa or nika (sic) whatever down there and find out it's agriculturally protected and yet your plans I don't see one nika (sic) plant in there. One plant it just seems to be brushes (sic) and little things. I'm like where's the agricultural prot....but Miss UOG had a wonderful report and I was very impressed with it. My sister and I were over there like wow I like her. We don't know who she is but I like her. She has a lot to stay. She has studied that Pago Bay River. She has been there and done it and worked and I am very impressed with what she's done there. I know who she is but thank you. Thank you for being here. Laura Biggs...thank you for being here. And then she talks about the flow of everyone who lives in Yona sees the brown the water than happens when there's a lot of rain it's probably because of lack of monitoring of all the construction up on the hill that's going on

Sharon O'Mallan (cont'd) back there! I'm wonder how many of those projects up on the hill are being monitored by our government agencies that every time it rains mud is flowing off the mountains. That means somebody is digging, plowing, clearing somewhere up on that river and nobody is watching it because it's inside! And I think everyone Yona (sic) can attest to that that somebody is digging up there. Somebody is building and nobody is monitoring. And that is my concern. Pago Bay...I've been to Tumon, I go to Tumon when I want to, I avoid Tumon a lot; now that I am getting older I avoid Tumon I am so over Tumon. I'm glad the tourist have somewhere to go. But if you're going to start doing Tumon all over the island there's no place for them to go. We will implode and we will become another Hong Kong or just hotels all the way across the mountain here if we let one variance go it's going to go all the way down. Ipan there will be no place to look at Ipan. There will be hotels, hotel hotel hotel hotel Tumon number two! If you live in Ipan is that what you want?! If you live ... drive down you're driving away from the city and all you can see is hotel hotel hotel hotel! I might as well move! I mean move off the island, but I don't want to. This is my island and I love the way ... and I'm trying remember who said that you're right; I'm getting old my house is my castle! It's important to me and where I'm living is important to me and I wish there were more younger kids here to speak because this is about their time and someone was Oh there you are over there....you kind of got me a little upset because you implied that this is going to happen. We're going to be dead and there's going to be a whole brick island. I was very disappointed in your comments ... Mr. over there! [Ray Benavente stated his name] Mr. Benavente ... Ray It's going to be you. I'll forget your name but I am just saying. That's why I'm here and so I'm here and I'm sorry ... I don't have any scientific I had no time to study this binder which I found out about too. So, I am very disappointed that this meeting is probably not going to go anywhere okay. Thank you very much ... you're a nice man ... thank you very much.

Ike Peredo and I'm from the village of Yona. I came here with the understanding that the developer was to present the project that is going to take place down at Pago Bay. But my interest is that I was looking forward to hearing the impact of the infrastructure that is going to affect the village of Yona. Evidently, I did not hear that tonight, and hopefully that during the next meeting that we can continue to establish this dialogue so that I can get more information insofar as what impact this particular project is going to have on the village of Yona, and hopefully I can hear that next time. Thank you.

Basil O'Mallan yes that is my sister (one of them). I am a life-long resident of Yona (speaks Chamorro language) Yona. Umm, I make it very clear I am strongly opposed to this project. My concern and I ask the recorders up here ... Celina (sic) We all signed in. Normally...I've testified at other public hearings, there's usually a place for support or opposed I did not see that. I want to see a very clear show of hands we all oppose this? (Some audience members stated "yes.") There is no place for opposing. It's going to go back ... and the problem is there's going to be a compellation (spelled as spoken --- sic) done. It's going to be a lot of pages for the Land Use Commission to read and they're not going to know how many people came to this public hearing and opposed this application, and so that is a concern. Do we have a date for the next hearing? Especially when is the Land Use Commission going to meet on this issue?

Marvin Aguilar I don't think it's set at this time.

Basil O'Mallan approximate? A month?

Marvin Aguilar we normally hear ... GLUC would have its meeting every second and fourth Thursday of each month; so, again it's getting all of this information together, putting it into a package, getting some information from the different agencies. You heard earlier, that there is perhaps a lacking information from GPA. We'd like to see that come in before we even (inaudible). There's a lot of preparations needed before we even bring it up. But...what's important is that that day will be ... the date of the public hearing will be give a substantial amount of time, prescribed by law, will be posted on the 8x11 rezone sign out there that's on the premise. It will be available there and ---

Basil O'Mallan can you make sign angle it a little bit because I drive there several times a day and you know I don't even notice it.

Ray Benavente you know for public safety, we will go ahead and advise the Mayor also. We'll take a picture and post it at the Mayor's Office and so the Mayor can inform the

Basil O'Mallan because I know a lot of people, like myself, I read the paper but seeing those little public notice meeting announcement are easy to overlook. I did provide my name, there's a signup sheet please sign up. You have a place to put your mailing address and your phone number and hopefully we'll get a call (you know) there's a meeting coming up. I would appreciate that. Do you do that? Do you call anyone or

Marvin Aquilar we do not ---

Basil O'Mallan you do not ... okay. We just have to be diligent and following this. Quickly, it's already been covered but I want to make sure ... my position. Strongly opposed. It's going to suck the water out of the water lines, it's going to regurgitate it all into the sewer lines which cannot handle it. You're going to put more concrete in an area we already have flooding. Everytime it rains it's going to flood in that area. You're going to put concrete we're going have more flooding it's going to be a serious problem that needs to be addressed and it's going to be an eyesore. Everyday I go by there with my 15 year old son and I just can't help it but it's beautiful! Look at the cliff line over there at Pago Bay you know where the University is it's beautiful and you're going to an ugly building ... I don't care how pretty your building is it's going to be ugly compared to nature. That's why I oppose it.

Marvin Aquilar again, it's getting a little late; if you have any other comments sir that may relate to something else that has not been brought up yet. Everybody's comment is very important, yes sir. Thank you.

Joe Roberto it's very important because it's my comment and I would encourage everyone for these guys not to leave until everyone has their very important comment to say. My name is Joe

Joe Roberto (cont'd) Roberto and I am from Ipan, Talofofo. I am not from Yona nor Chalan Pago; however, that's the route I take to every single day since ever since I could drive at thirteen. But in any regard that's the place I go through every single day and I'm extremely concerned and I completely against this whatever this is. I thank Sharon over there and we work close together and she said you're not going up there? You're not going to defend? You're not going to say I'm here. Now I am here that's how I found out. I appreciate you stopping by and I really don't want that investment regardless of how much money there is in that investment to come down to Ipan. That's where I'm from and I am very proud of that fact. And if I may, say the Infresi, in its whole, the Inifresi (says the Guam pledge in its entirety in the Chamorro language) --- period! Thank you.

Harry Delos Santos I am also from Ipan, but I grew up in Mangilao and I am a parishioner of St. Francis. As a parishioner of St. Francis and being a Franciscan, I want to say this right out. What you guys are planning is not right. What you're planning to do to that area is not right. You....all the (undecipherable) you can listen to all the people and their testimonies at the end of the day what you're planning to do to this area is not right! Amen!

Enrique Torres (speaks Chamorro). I am from the village of Yona, my name is Enrique Torres. I am opposed to the development for these condominiums. Linda Biggs Just one of the points that she brought up; and it's regarding the bay itself. I lived in Yona all my life and if we see the brown ... but really my concern is the toxicity of the bay. Now and a hundred years from now this is our island for ourselves and our children, and their children and their children after that. Those of you who know the history of China; one they can't have more children, two, they have cities that they've built that no one occupies why because of over flated (sic), over inflated prices. Someone wants to get rich. Well, in China too there's a toxic bay because development around farmers farm lands and lakes the peoples fish they're normally way of living fish farm they have ... they've had to endure a painless life of non-survivability. So now they're moving away from their homestead. Now if these investors are coming from China that's why they're coming because their land is useless. There's toxicity in their bays. I was talking to Linda and said Linda what Linda would a ... would you state is the measurement of toxicity that you can (umm) equate to damage or for example in this case chemicals, metals; she's already notified that I mean she's already earmarked that in her study. Ladies and gentlemen, first of all this is May of 2015. Now who's looking into the future? Who's looking into the future? Now yes, we're part of the problem with Ordot Dump. I dump all kind of stuff there and all the military and all the companies on Guam they dump hazardous materials there so it's leaking. The leachate that she's talking about and she's also I talked to her again, and it's that yes it's contained now but what would cause the leachate to continue on its downward now we're going by gravity right, Ordot is up, gravity is down so wherever down or gravity is going to pull that leachate the bay is one of them. And what could disrupt this leachate? Or of the containment of it today? Yes, it's being absorbed into the clay; but earthquakes, erosion okay...we have been plagued with bad engineered or not efficient or not or engineering that is Looking into the future. Anyone of you drive around going to the hospital you know the one right in front of Sante Fe...remember that curve? You almost have to be careful with curve because you might end up in the hospital yourself! It's an unplan....really bad planning! How many of you know of a lot

Enrique Torres (cont'd) of dead man curves right?! Why is dead man curve called dead man curve if the proper engineering the proper planning went into these Yeah buy the land so that the radius of that curve meets national traffic highway safety standards right! Your investor the developer here and they're going to show us good good good status, economic, environmental....even cultural, even culture. They're going to try to keep the cultural in mind. Deep in our heart who really cares about the culture? The people who've lived here, who say this is our home, who can weave, who can fish, who can ... you have fish? Fish in Pago Bay. It's a plan that you have to look forward to future the future generation not just today as you live today and as you gain the wealth as your investors gain the wealth and your stockholders gain their wealth it's not their future it's our future it's all of us it's people ... the child right in front of me. You're going to look back at this one day and said, who thought of this? Why did this go through? And then I have to buy bottled water okay. Are we going to continue buying bottled water from here on out?! I cook...I kinda like everybody says trust your local government ... Senator, nice to see you come and join us in this; but yes trust your local government to enforce and regulate all the mandates that were given to them. Our health, our safety, our education. Really?! Seriously?! Yeah they come and go every two years but ... four years for the Governor but ... really the regulation and the enforcement it's gotta be stricter and it's gotta be tight because things like development like this goes through and we're all baffled by it and say, well I guess we'll just have to absorb it because umm cousin so and so is working now at the development okay. Yeah, we like tourism we like what it brings in it gives us the opportunity to improve our lives. But improving it on one side and destroying it on the other side. There's a balance don't sway and tip it towards your favor as a developer don't do that. That's very unnecessary, it's not right in a In our own, our own abilities and our faith. And gentlemen before me a little bit to that faith and religion; you all have our faith and religion. Do the right thing and I am opposed to this on the basis that yes the planning may sound right today maybe over taken ... second first look ... by our engineers and your scientist and whoever is developing it. But look into the future and see how this will negatively impact the resident (sic) of the bay; people of Chalan Pago, our neighbors, we're here for you. People from Yona we stand behind the people of Chalan Pago and all the rest of...here's another thing. We say that there's really no impact yet but if you look at Route 4 (and is that Route 10 going up to Mangilao? Right?) Those properties are going to be developed sooner or later. Even along Route 4. So we're adding there's going to be stores, there's going to warehouses there. It's going to be adding the sewage problem, the drainage problem and how many of you know of a backup problem ... backup plan to the sewage problem if the development goes through. Did anybody ever say or ask that question? What is your sewage and backup problem should there be a break in the line?! The toxicity coming from the 300 units, people do spray, people do use household chemicals. If that break in the sewage line occurs where is the ... where is the containment. Is it gonna cough it up and say it's an act of nature and the earthquake caused the the toxic level of the bay to get higher over a period....the metals are going to stay there. Metal is not going to leave the bay it's going to stay there! Umm...you know the radiation plant ... the nuclear plant in Japan. Tidal wave came in there was a cause of a breach a breach of radiation and I don't know if you all were concerned but I was concerned when I started hearing that radiation liquid was going into the ocean. Radiation is a long shelf life element the nuclear waste or the nuclear fuel it's a long life time waste a long shelf waste and it will traverse the

Enrique Torres (cont'd) Pacific Ocean. And if that just can do the Pacific Ocean what about our metals just from that a ... if not just from the the Ordot landfill ... other developments that are going to pop up without concern for the environment they're just going to pop up here you go Leo Palace. What's the next step for them. They're going to develop it further and I'm pretty they will. So in closing, you know that this is a serious thing and don't stand back and ignore the fact that there are concerns about our longevity on this island. Our children's longevity. I want to live till I'm 80, 100 years old and if our problem with our water and our our our sources of food is not going to be adhered to by our government then I'm sad to say that my longevity would decrease. Thank you very much.

Kara Flores I'm sorry I know it's late. I just have five things that should be really quick. My name is Kara Flores I'm from Ipan, actually I'm from Talofofo, I guess we don't claim Ipan but that's where I live now. My family doesn't really like that. Umm, I just wanted to clarify that with all due respect we don't really want to hear about the development plans. Umm, we just kinda want to make it clear that we don't want the development there. So, umm, the second thing I want to say is don't waste your time. I have a girl (?) in this room. I was looking at this room earlier; I see attorneys, I see people from government, umm, I see a senators, I see umm Joann Brown who I think is a force of her own, and I think it's a waste time for you to spend anymore time talking about the plan with us. But if you do want to waste your time, I just do hope that you will present all of the worse case scenarios to us. So, if there is a break in the sewage line what will happen? If there's an earthquake? If there's a typhoon? Uhh...that's not it but that's something requesting. Please exhaust all the worse case scenarios and tell us what that would look like for us. And please honest cause I think there are enough environmentalist who could umm correct you if you're not. Uhh...I hate really talking up front but somehow I end up up here. The third thing I want to say is that I guess what really bothers me is that whenever we are called to these things I always see our people. You know family members you may not know me but you know my uncle, uhh you work with my dad or something there's some kind of connection. And I think that we all have to consider the example that we're setting for our kids you know. This is not about it's not about money and I know we all struggle to get by or maybe we think that we need a third car or we need to expand the house; but we're teaching our kids what is valuable and you know I think if we really think about who we are and where we come from what's valuable is not it's not how much you're going to make off of this project. Umm, I could go on about that but I really hate speaking upfront so my last point is just uhh I want to point out that this process is so flawed. The fact that we're even here that we have to spend this time that we have to explain to you that we don't want this development. If I were to go to government one thing I would change and since I'm not going into government I guess I'm asking those of you who are to do this for us, there should be a process that protects us from this process. We shouldn't end up here. The process should be that you should go to your neighbors and ask are you okay with this development and when they say no, then the process ends there right? Like that that would be a really great process to have so that we are all protected from this. Like we all have families. My daughter, my niece, my nephew, my cousins, we're all standing there in the back and we have other things that we really need to do. Umm, my grandfather's (sic) going to pass soon and every meeting that we attend means that we are not spending time with family or that our family is spending time together doing this which quite honestly I think we'd all rather be doing

Enrique Torres (cont'd) other things or we would rather be doing other things. So, that that ... this process in itself is flawed and it needs to be fixed. First it should go through the neighbors. When the neighbors say no and it sounds like they would have when the neighbors or if they said yes then it would go to an environmental board of people who actually really care about the environment. Who really care about the bay, who care about the trees, who care about you know these resources that we have that once they're gone they're not coming back. And I guarantee that if we had that kind of process in place we wouldn't even have to be here. I wouldn't have to be up here speaking and we'd all feel better about it so that's my input. Thank you very much.

Manny Cruz good evening, name is Manny Cruz. I'm a long time resident of Yona. The question I want to ask you guys is that you're only asking for a variance. So in otherwords if you don't get a variance there's nothing to stop you from proceeding with the development and that's concern that I have. So whatever we say here about ... it's against the variance. But according to Mr. Okada over there if you stay within the variance there's nothing to stop you from proceeding with your project. But the question that I ask is that a lot of the environmental impact that I have for example is that when they built the Leo Palace of the wetland they made a provision and they moved the wetlands someplace else. How are you planning to do this down there? You're going to move the wetland someplace?

John Sherman we're not touching the wetlands.

Manny Cruz also I mentioned to that when Governor Bordallo was living up here into spite what they did to (used Chamorro word) island over there they built a funding (sic) basin right there where you're going to build. So in otherwords underneath that thing is you have the a lot of a you know sewage. Because when we're passing by we could smell that thing and when we were passing by because it wasn't working. In otherwords it wasn't pushing the sewage up out of there. So that's the concern that I have. And also as Mr. Pereda said, what is Yona going to get out of this? Okay? If you're asking the community of Yona to support this project what are going to get out of this. Okay. So in otherwords are you going to provide us with something you know in exchange. But that is because of the variance. But if you're going to proceed with the project itself I can understand nobody is gonna stop you from doing that because you got the building permits and everything and just like what happened to the ... you know we were opposed to the project over there where they built the Laguna thing. Because as most of them were complaining it's really affected the crabs and everything. Nobody could catch crabs there because they're not going through that whole thing. So, there it's already destroyed. So in otherwords for us to cry wolf at this time is not going to work. So what I am saying is that we want to find out because right now you know these sewage lines here in Yona ends right here at MU Lujan it doesn't go any further and that's why because the Mayor at time decided to take away that million dollars that was supposed to stretch that sewer line to the end of that road they move it to Asnamu (sp?). And guess what? When they built the sewer line in Asnamu (sp?) it wasn't uhh....it cannot be used because the pumping station because the order of the pumping would refuse to allow the building of the pumping station. So you have a sewer line in Asnamu (sp?) that's been built but it's not working! But that you know, like I said I'm a long time

Manny Cruz (cont'd) residence (sic) and I know what's going on here in Yona and what I'm looking at is that for the longest time Yona because of water lines and that's You know, ! maybe out of here but I support the project for the simple reason that it may improve our infrastructure. We're looking at water lines, we're looking at power lines okay. Because right now Yona we're getting power from the other side of the island and power coming from this ... in otherwords if we have a power outage here half of the village will be out of power and other half so in otherwords we're not even unified. So something like that I support this because you may correct this situation when you build that project down there because everything will be you know And like said, this is the reason why because you know we need really to look at Yona and how Yona is developing. Because right now we see projects coming up even this Marine Drive there's a project coming here in Marine Drive of a gated community. So but there is no sewer line, but the fact remains is that if they put a sewer line there it's going to have a good impact on the village. So in otherwords what are you going to give us What are you going to give to the village that would get a would get our support for this project. Now like ! said, all of these things for the longest time when they were building the roads Yona suffered like heck. When we had that you know that that flood down there Yona suffered real bad okay. And the whole thing here....and and I've been waiting for University of Guam to mitigate that situation there about the water shed. You know another place that I was recommending that if they always...there's a wetland right there on the other side where this you know ... Ms. Brown lives. Right behind there, you know, is a big wetland. And I was saying that if they ever divert that river and all that drift (?) coming down from up above and making that into a ponding station then it would really really get all that thing going into the ocean. I always recommend that if you're going to fix that problem, build a ponding basin in there where all the coming down from up above to go right into there and not to go down to river. And also I was looking forward that with this project you might improve the river in a sense that it would be clean and people could be fishing there like right now because that used to a lot of mangrove crab use ... and people still go fish there looking for mangrove crabs. But what I'm saying is that you know, not to be negative to the project and I know that you're gonna ... you're not going to get the variance but you're going to proceed with the project with the 65, you know, and nothing to stop you from doing that. So, but the fact remains you still need to support the community. Especially on this side of the river. So even if you build you know, a condos down there support the Yona side okay. And as you look up at the hills and you wonder you know ... city planning they build all those houses on top of the hills it really makes the hills look bad you know. All that construction up there it really makes the hills look bad. And to say that's cultural acceptable no. Something has to be done about some of those construction. So in a sense like I said we don't want that to happen here in Yona, but we want to make sure that Yona develops properly and so forth and if you're going to give us something in return you know for this support we really welcome it. Thank you.

<u>Craig Burns</u> I am licensed Social Worker and President of the National Association of Social Workers Guam Chapter. Others have made the point more eloquently then I could, but I just want to add that about two hours ago you mentioned that there were rare species identified that there would be a 10-foot buffer which isn't much of a buffer ecosystem to protect those species. So, we can say goodbye to them. I just want to say that this ... if it goes ahead it's a dangerous

Craig Burns (cont'd) precedence for the other proposed development across the island. And a confession, I'm not born and raised here; but my son came here when he was two with us and we're staying. So, he will be (undecipherable) and he will be raised here and we're residents of Yona. We live up on Windward Hills, umm, and we'll be there at least until he's eighteen so another fifteen years. But it sets a precedence, and I don't think any of us want an island that's a condominium or hotels or ... people come here for the natural environment and if that's gone what's left? In the last thing I'll say and I'll keep it quick; it's not just the Yona problem it's a Guam problem. The heart of the people and the soul of the people is in its land. And so if we don't respect, don't appreciate and maintain the land then we're disrespecting the cultural, the indigenous people who who are thousands of years and umm, that's what I have to say.

Marvin Aguilar any other comments from the public at this time? Okay; so if I may have the time please?

Celine Cruz 8:13 p.m.

Marvin Aguilar it's now 8:15, and so we're going to close this public hearing. Again, we invite everybody to submit their personal comments, their opinions, written comments to our office. We are located on the third floor of the ITC Building, and our number is 649-5263 ext 300 and we can try to accommodate you in getting that information so that we can package this project.

I would like to thank the public.

There being no further comments from the public, Chief Planner Marvin Aguilar closed the public comment and public hearing at 8:13 p.m.

NOTE: I, Cristina Gutierrez, Recording Secretary for the Guam Land Use Commission was not present at this public hearing held on January 6, 2016. The Minutes of this meeting was transcribed verbatim, to the best of my ability, with the recording provided to me by the Developer.

Approved by:	Transcribed by:		
Marvin Q. Aguilar, Guam Chief Planner DLM, Planning Division	M. Cristina Gutierrez, Pro Tem Recording Secretary, DLM, Planning		
Date:			

Mr. John Arroyo, Chairman, Guam Land Use Commission Department of Land Management P.O. Box 2950 Hagatna, GU 96932

Dear Mr. Arroyo:

My name is Nicolas F. Borja, owner and resident of Lot No. 3397-1-3-R5, located at Chalan Josefan Bittut, off Chalan Justice Monessa Lujan, Pago Bay, Guam. I write this testimonial letter to express my view on the proposed Pago Bay Marina Resort project and its effort to obtain "zone variance for height." The project entails a 14-story and a 15-story structures consisting of 304 condominium units.

The project of this magnitude will tremendously impact not just our roads with heavier traffic but will place a burden on our already fragile infrastructures. Is our government able to provide the infrastructural needs of this project and still maintain reliable services to the community? This is the million-dollar question. I answer this with skepticism based on experience. To this day, I continue to suffer with low water pressure and I am profoundly concerned that the construction of Pago Bay Marina Resort would generate a more detrimental effect on my already low and problematic water pressure. I oftentimes wonder if the water pressure to my residence meets the U.S. EPA requirements at times.

Also of great concern of mine is the actual proposed height of the structures. In 1994, our decision to move to our current residence was to enjoy the tranquil and beautiful vista of greeneries and ocean view that Pago Bay offers. We continue to enjoy it to this day! To allow this project to go through its requested height is to guaranty other high rises in the area destroying the true beauty of Pago Bay forever. Unlike the infrastructure issues, this cannot be fixed or mitigated once it is done!

I understand that progress is hard to stop, but I hope with the system in place, we have a say on the TYPE OF DEVELOPMENT being forced upon our community. For all reasons stated, I say "NO" to the proposed Pago Bay Marina Resort. Please keep high rises and its concrete jungle away from Pago Bay.

I thank you for the opportunity to have my voice heard.

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Nicolas F. Borja

F(O. BOX 20262 \ Barrigada, GU 96921

borjanick@yahoo.com

January 05,2016

In Joeun 1-04-2016. 7:45 pm

January 6, 2016

Mr. Ken C. Ada Mayor of Yona and Municipal Planning Council Yona, Guam

In care of Mayor's Council of Guam P.O. Box 786 Hagatna, Guam 96932 Tel. Nos. 472-8302/3 and 477-1333/7173 Fax: 477-7131

RE: Written Testimony in the application no. <u>2015-29</u> and zone variance application for Lot No. <u>-164-4NEW1</u>, <u>ZONE VARIANCE</u> <u>FOR HEIGHT</u> (Multifamily Dwelling located in Pago Bay, Yona. This is better known as the Pago Bay Marina Resort, a proposed two towers, a 14-story and a 15-story multifamily dwelling.

Public Hearing Date/ Time/Place-January 6, 2016, 6:00 p.m., Yona Community Center

Hafa Adai and Hello to the Mayor, Staff of Department of Land Management and residents of Yona, and Chalan Pago,

Thank you for allowing me the opportunity to comment on the proposed multifamily dwelling entitled, Pago Bay Marina Resort, to be located in Pago Bay in the Municipality of Yona.

I am a resident of the Chalan Pago side of Pago Bay, Chalan Monessa Lujan road, a resident for twenty eight years, raised my family here and have grown to enjoy the beauty of this area and its oceanic splendor. I own a house and lot in this location. Approximately, I live close to the vicinity of this structure to be affected by its appearance functionally, visually and aesthetically.

I do not support the building of this massive structure as proposed by the Guam Wangfang Construction Company Ltd. for the following reasons:

Person Dir

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1. Insufficient notice preparation was given to other residents in this area impacted by the building. I assume that I was not notified because I was outside the 500 feet from the perimeter of the project but I do appreciate the newspaper notice to the public on December 25, 2015. The time frame allowed the public to get information on this development may not be sufficient for me and others to form an educated and well- informed idea of the ramifications of the building project and development. Efforts were made to obtain this information within the seven workdays that government offices were opened. Although the public notice in PDN dated December 25, 2015, ran for 13 thirteen calendar days, I had only seven (7) work days to obtain and collect information on this matter. Is this adequate notice for all publicly affected by this project or were the property owners within the 500 feet given an earlier notice to determine the projects effect on their property? I don't know.

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- 2. The structure departs greatly from the established residential building of a single dwelling or up to three story structures for residential housing in Pago Bay.
- 3. In the land application report submitted to the Guam Land Use Commission, is there a difference in the short form and the long form of environmental impact assessment. Is there a conclusive environmental impact statement to be made that the public needs to know?
- 4. Was this building structure granted approval by the U. S. Army Corps of Engineers to determine its impact on the Pago River? This information is difficult to locate and being a citizen of this island remains a mystery what is needed to get it. I would like to see more information on the impact on flood control, beach nourishment and better waterway navigation for the public.
- 5. The building structure increases the possibility and paves the way for more high rise buildings to being built in this area should the approval be granted. Is the current private company able to control its effect on other parts of our way of living in traffic congestion, pollution,

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and infrastructure? Future developments obviously are beyond the control of the present developer. Or will these problems be put aside for awhile to permit our local government to contend with and correct when the need arises at a different time and place?

- 6. The Pago Bay Marina Resort represents the beginning of city development and life. Tumon Bay is our local example of how buildings can proliferate since 1975 with the first construction of a similar structure such as the Fujita Hotel. As we have seen, the problems connected to city living are human congestion in traffic, space, increase in crime, and pollution in the natural environment. Is Guam ready for more? Keep the city in the Northern part of Guam not in the central area of Guam.
- 7. There is no representative master plan yet in place for this area to protect its resources for future generations. Are we to change the physical façade of an area because there are investors willing to catapult on a more complex level, the general direction of a village's character without considering the consequences? Private property interests are to be balanced with major ecological as well as sociological impacts since these properties are near the ocean directly affecting our coral reef. When the reefs around Pago Bay are eroded, are we willing and capable of repairing the damage when the tides move inside to cut into more private lands? Secondly, there are no proposed models of development in this area, that can be scientifically and based projected engineering designs that provide a results analysis that shows a visionary community for all residents in Chalan Pago and Yona to base their decisions of today. Are we to randomly build based on just needs and demands of the present?
- 8. Lastly, the building instead of this massive monolith should be towards redirecting building design to focus on the concepts of village units within a village that have served to control and blocked many sociological problems from happening among these overcrowding and crime, look at Mangilao and Ordot with very little deviant social problems and the cohesive family units that fosters the best child growth simply because they have stemmed the tide of the city life.

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Obviously, we shouldn't dismiss the fact that this resort is good for the area: More housing available to residents or visitors. Within this area, I can only assume that it is for the high income buyers or renters that can afford the apartments. I may be wrong, I beg your indulgence. Will it help to lessen the problem of housing shortages for a majority of residents? If not redirect the project to address this great need and demand in the island of Guam.

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Other inquiries not addressed by the report:

- a. Report fails to indicate the per cent of natural habitat that will be destroyed by the clearing? Is this manageable and incidental damage only.
- b. Will this clearing increase the destruction of more natural habitat for the whole Pago Bay and to what extent?
- c. What plans are needed to prevent alluvial damage to coral reef that is possible with construction runoff in and during heavy rainfall?
- d. To the laypersons, why wasn't there a definitions page to explain acronyms pervasive throughout the report?

RECOMMENDATIONS:

- 1. Let's protect the environment by showing to the public an environmental impact statement as the work progresses if ever approved based on expert opinions of professional consultants. The Guam Land Use Commission should not consider the variance and zone change until the environmental impact assessment in long form is completed.
- 2. Continue to maintain single family and up to 3 story housing structures, R-2 zone, to preserve Community life as it should exist for our local Guamanian population.

 Deny the height variance to insure the present R-2 status.
- 3. If the building is approved for building at the Guam Land Use Commission level, the private owners and developer must comply with

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environmental requirements properly documented for public inspection to protect the remaining wetlands, ocean, plants and coral in Pago Bay. Is this too much to ask knowing that they will eventually receive a QC (Qualifying Certificate) from GEDA which fosters business growth?

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4. The developers must show for public approval and consistent with federal requirements the approval of the permit granted to them by the U.S. Army Corps of Engineers when impacting a river. Assure that the Pago Bay River continues to retain its natural quality in the future and no impediments to its flow during and after the building of the Pago Bay Marina Resort.

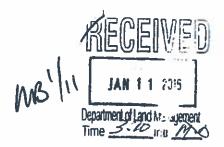
Sincerely yours.

And F. Clegum

John F. Aguon, resident of Chalan Pago, Pago Bay, Municipality of Ordot-Chalan Pago From the desk of:

Rodney C. Webb 505 Harmon Loop Road, Suite 300 Dededo, Guam 96929

Ph: 488-7738



January 06, 2016

Mr. Michael J. B. Borja
Director, Department of Land Management
PO Box 2950
Hagatna, Guam 96932

RE: <u>Application 2015-29 – Request for Zone Variance for Height and Density – Lot 164-4NEW-1, Municipality of Yona</u>

Dear Mr. Borja,

I attended the public hearing last night at the Yona Community Center for the above-referenced land use application to the Division of Land Planning, Department of Land Management (DLM).

The meeting was very large, and there was no particular order to the meeting. I signed in, and wanted to voice my objection to this variance request, but did not have the opportunity to do so. For future planning purposes, I recommend that you add two more columns to your sign in sheet:

- 1. Are for or against the variance request?
- 2. Do you wish to address the meeting?

I then recommend that you proceed with testimony in the order that people signed in and who requested to speak. I was truly appalled at the behavior of one member of our community who snatched the microphone from another speaker. This should not be allowed to occur.

For the record, I wish to register my strong opposition to this project, for the following reasons:

- 1. There are no high-rise buildings along Route 4 from Sinajana all the way to Yona. It has clearly evolved as a primarily R-1 residential area.
- 2. It is not clear to me how some isolated properties in this area, such as this development site, came to be zoned R-2 in literally an ocean of R-1 zoned properties. While I assume that the development approval process was different in the past, I am also sure that these re-zonings would have been opposed if there had been appropriate community consultation.

- 3. This development will be clearly visible from our house in Pago Bay, and will adversely affect the visual amenity that we, and all our neighbors in the area, have come to enjoy.
- 4. There is no clear community need for this type of development in Pago Bay. This conclusion is drawn from reference to the development of Ladera Tower in Mangilao, Holiday Tower in Sinjana, and the former Accion Hotel in Yona, all of which have been either marginal or unsuccessful developments.
- 5. I have heard that the owner of this property, Guam Wanfang Corporation, is somehow affiliated with the People's Republic of China (China). If so, China has no business sponsoring speculative developments in Guam, and the Government of Guam has no business entertaining them.
- 6. I have also heard that Guam Wanfang Corporation intends to finance the construction of this project with investment from EB5 investors from China. This rumor is even more disturbing. Given the paucity of demand for home lots in neighboring Pago Bay Resort, it is clear that there is insufficient local demand for this type of development. If Chinese nationals then ultimately finance this development, you will have created a permanent, foreign enclave in the formerly historic, peaceful, scenic, and predominately R-1 residential community of Pago Bay.
- 7. I have significant concerns relating to the capacity of local power, water, sewer, and road infrastructure, and the related increase in traffic, to accommodate this development, and request that the final planning documents for this development address these concerns comprehensively.
- 8. Finally, I would appreciate notification from DLM when the plans for this development are finalized for submission to the Guam Land Use Commission (GLUC). I wish to review these plans prior to attending the GLUC public hearing.

Please contact me with any questions. Thank you for your support.

Sincerely,

Rodney C. Webb

Concerned Resident of Pago Bay

Manuel Q. Cruz P.O. Box 2400 Hagatna, Guam 96932

January 7, 2016

Guam Land Use Commission P.O. Box 2950 Hagatna, Guam 96932

Subject: Zone Variance for Proposed Pago Bay Marina Resort

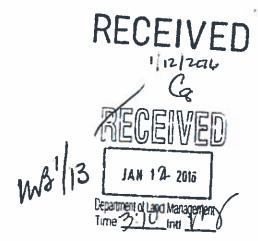
Dear Mr. Chairman:

At the public hearing that was held in the Yona Community Center last night regarding the proposed project to build residential towers near the shoreline of Pago Bay, there appeared to be a number of misinformation regarding the matter. A lot of discussion and comments were made on the issue of the process of the public hearing whether the Guam Land Commission members had to be present for the hearing. Also, there appeared to be a lot of discussion and comments on the purpose of the hearing itself. Was it a hearing to discuss the zone variance request for the proposed Pago Bay Marine Resort to include the two residential towers -- a 14-story tower and a 15-story tower -- housing total of 304 condominium units or was the hearing to discuss the proposed resort itself?

Despite the fact that the Director and the staff of the Guam Department of Land Management were present and made it very clear that the public hearing was intended to allow the developers and their representatives the opportunity to present and explain the project to the public and the community of Yona for their review and comments, many of the commenters continue to express their views and comments that the public hearing was defective and should not have been held.

Even though I did not receive a registered letter informing me of the public hearing, as a long-time resident of the village of Yona, I felt that it was my best interest to attend and hear the developers' presentation and proposed plan.

After listening intently to the discussion and the number of negative comments, I can understand the feeling and passion of the commenters in opposing the project. But, what are their basing their opposition? I finally managed to have my turn to speak, not for myself, but for the people of Yona. One of the first thing I had to say, for the record, was to point out the fact that public hearing was intended to give us, the affected residents and the general public, the opportunity to listen and ask questions regarding the zone variance request for the proposed Pago Bay Marina Resort as presented by the representatives and consultants of the developer, the Guam Wangfang Construction Company, and not for the project itself. I might agree with



some of the comments that that having such high-rise buildings constructed in the area may not be aesthetically appropriate, but there is nothing to stop the developer from constructing the Marina Resort within the acceptable number of condominium units of 65 and the height not exceeding 12 stories.

When the Pago Bay Laguna Resort subdivision was being developed a few years ago, I often wondered what the left-over property near the Pago River and the shoreline of Pago Bay was going to be used. As a youngster growing up in Yona, I used to access the area with family and friends to go fishing for rabbit fish ("manahac") and mackerel ("atulai"). Those were the days when the area was still natural and pristine. I hope that the developer will take this into consideration that the Guam law allows public access to the sea (e.g. Matapang Beach and Outrigger Hotel). Also, this was the same area where land crabs would cross Route 4 to go to the sea. This. of course, are now only of memory when the Pago Bay Resort subdivision changed the landscape of the area.

At the hearing, I asked the representatives and consultants of the developer (FCB Planners) what would the community of Yona get for its support of the project, if and when the Guam Land Use Commission would review consider and approve the project, not the zone variance but the project itself. I had to ask this question because the village and community of Yona currently are still not fully integrated into the public sewer line. The sewer line ends at the M.U. Lujan intersection. In the 1980's, funds had been approved to extend the sewer line to the end of Camp Witek, but those funds were diverted to the As-Namo area. Even though the sewer line was constructed there, the sewer line remained inoperable because the land owner to build the pump station refused to give the necessary easement. In addition, the unified distribution of electric power in the Yona area is still lacking. Whenever there is a power black out or brown out, only one side of the village will remained energized.

The distribution of water in the Yona village and community is also a problem. Occasionally, the flow of water will be impacted because the water line going south of the island from the north has to pass through the village. Water pressure is also impacted whenever there is heavy water usage in the southern villages. The village and the outlying community of Yona used to get its water from a water treatment plant in Mannengon. But, the plant was later dismantled and discontinued to make way for the island-wide distribution of water from the north.

Also, at the hearing, I wanted know more about preserving the wetland that surrounds the area of Pago Bay. I mentioned how the same issue was addressed during the development of the Leo Palace Resort. A new site had to be created to allow the wetland to exist. In response, the representatives stated that the height of the buildings would create a smaller footprint and thus preserve the wetland. There was no need to create a separate site.

Still as another environmental concern, I mentioned that the Pago Bay area would always be impacted with flooding because of its location. During any heavy rainfall or a typhoon, the high hills above the Pago Bay will collect a tremendous amount of water that will flow down and over-run the Pago River with muddy water. Such muddy water will have nowhere to go than to

the Pago Bay shoreline. Until the Government of Guam and the University of Guam fix this problem of erosion by containing and diverting the muddy water to enter the Pago River and the Pago Bay, the problem of muddy water entering the ocean will persist. During my term at the Guam Department of Agriculture, I had recommended that the Government acquire the wetlands on the backside of Pago Bay and to create a ponding basin there to contain the muddy water and prevent it from entering the Pago River and the Pago Bay shoreline. Unfortunately, this recommendation never went anywhere.

In closing, I want the Commission to know that I am in support of the proposed project if the developer will stay within the project's height and density as allowed by the subdivision law and to make sure that the wetland that surrounds the project will be preserved.

Thank you for the opportunity to comment on the project. Si Yu'os Ma'ase.

Respectfully yours,

Manuel Q. Cruz-

CC: Mike Borja, Director of Land Managment Marvin Aguilar, Chief Planner, DLM

received

PAGO BAY MARINA RESORT PROJECT

TESTIMONY

By Paul Chang

A resident of Yona

JAN 1 5 2016
Department of Land Management
Time Light Lint

WAS THERE AN ENVIRONMENTAL INPACT STUDY (EIS) DONE ON THE PROPOSED PAGO BAY MARINA RESORT?

An EIS is a document that describes the impacts on the environment as a result of the proposed action. "Environment" in this case is defined as the natural and physical environment and the relationship of people with that environment. This means that the "environment" considered in an EIS includes land, water, air, structures, living organisms, environmental values at the site, and the social, cultural, and economic aspects. Keeping also in mind that one-third 1/3 of the land is wet land.

Therefore, before carrying on any further discussions on the proposed project, the developer must submit an Environment Impact Statement. Once the document is submitted, the public will have an opportunity to review it and submit their comments.



Celine Cruz

From:

Laura Biggs < laura.guamepscor@gmail.com>

Sent:

Thursday, January 28, 2016 10:43 AM

To:

Celine Cruz

Cc:

kentquejado@yahoo.com

Subject:

public statement from Yona public meeting

Attachments:

Pago Bay Marina Comments - Sea Grant.pdf

Hafa Adai Celine -

Thank you for hosting the public meeting that was held at the Yona mayors office on January 6, 2016. I have attached a hard copy of the comment that I provided. Please let me know if there are any questions that I can address. Thank you.

L

Laura Biggs, Ph.D.
Assistant Professor of Biology
Director, Education, Outreach & Diversity - Guam EPSCoR Program
University of Guam
UOG Station
Mangilao, GU 96923
671.735.2783
671.777.6609

For the past seven years, I have served with University of Guam Sea Grant Program as Assistant Professor. During Sea Grant's strategic planning process in 2008, Pago watershed was identified as a priority watershed. The basis for the priority ranking was that the watershed is significantly impacted by erosion and sedimentation, there is a relative paucity of federal dollars allocated to this watershed, and it is an essential habitat for local fishers and recreationalists. Sea Grant is supportive of maintaining coastal areas that continue to support diverse utilization of shorelines and coastal areas.

To support this priority ranking, I oversaw several projects in the Pago watershed. My team and I have sought to educate students in the Pago watershed as well as deploy scientific water quality monitoring equipment in the bay so that we can have the baseline data needed to support informed decision making in the watershed and on Guam. Students workers with Sea Grant vetted and established the Builders of a Better Bay (BBB), which is aimed at garnering community interest in watershed efforts in Pago watershed. BBB has gone into schools and held outreach events within Pago watershed over the last year.

Pago watershed is a fragile ecosystem that is at a tipping point. The community, government and ecosystem would best be served if we act to minimize challenges to the water and coral reef that help sustain our island's people.

Points for consideration:

1. Pago watershed is a fragile ecosystem that is at a tipping point. There is significant erosion and sedimentation issues that are causing the health of the bay to decline. Since 2012, we have monitored the water quality in Pago Bay at two locations, one in the bay and one at the confluence of the Pago and Lonfit rivers. Using a Sea Bird Electronics model 16plus V2 with auxiliary WETLabs ECO-FLNTUS in the bay we are able to gather a variety of data. This equipment allows us to collect temperature, conductivity, pressure, chlorophyll and turbidity data.

Turbidity is a measure of the relative cloudiness in the water and is reflective of the amount of sediment suspended in the water. The higher the turbidity level, the more cloudy the water is. Turbid water can lead to the death of corals by reducing the amount of sunlight that is able to reach the coral. Corals need sunlight in order to survive and support our fish populations. Without corals in Pago Bay, fish populations will continue to decline.

We also see similar turbidity issues further up in the watershed. A tour of the watershed will show significant erosion in the badlands. The soil eroding from these areas empties into the Sigua and Lonfit rivers. With little vegetation to slow down the water entering these rivers, the watershed is highly dynamic with flash flood frequent during rain events. River levels increasing as much as 10 feet in a single rain event. The volume of water

raging through the watershed is significant and presents water safety issues to the those on the river and in the bay.

- 2. There are numerous public safety concerns associated with such a large number of residents in a vulnerable area. The proposed site is at the lowest point of Pago watershed and highly vulnerable to flooding. The road north and south of the Pago bridge experiences flooding with high rains that prevent that passage of vehicles. Additionally, the development would be within the tsunami inundation zone. There would be considerable hurdles in evacuating a large amount of people through one roadway. Sea levels can fluctuate considerably in Pago Bay and large storm events will present public safety concerns for the residents or visitors to the Pago Bay Marina Resort. Storm surge can inundate up to 20 feet inland as evidenced by high water marks post-typhoon.
- 3. Pago Bay was a site that was significantly affected by 2013 coral bleaching event. The coral in Pago Bay is still recovering from this and more recent bleaching events. Coral bleaching may continue to occur in the future, further contributing to the fragile state of Pago Bay ecosystem.
- 4. The south shore of Pago Bay (known as Ensa Beach historically) is a major site for marine debris washing onto the shores of Guam. In July 2015, I assisted in cataloging the marine debris at this site and in September 2015, I was the site leader for International Coastal Cleanup at the same location. The marine debris that we observe at the site is considerable in volume and makes up 99% of the debris found. The debris seems to originate from Indonesia and the Philippines and varies in size from large > 1 meter to <3mm (mircoplastics). The marine debris is not only unsightly but can present health concerns to the residents, as degrading plastics are known to contain carcinogens. The microplastics accumulate in the sand and are difficult to remove. A plan to deal with the marine debris should be outlined prior to development. Specifically, a plan that does not promote beach combing that will negatively effect the beach strand should be outlined. One clean up event at Ensa beach gathered over 300 pounds of plastic trash. This plastic debris is primarily coming from the ocean, not the public, so dealing with the source of the issue will remain a challenge.</p>
- 5. The beach at Ensa beach is fluctuates drastically throughout the year and with changing tides. It is unlikely that there will be a stable beach strand that visitors or residents will be able to regularly 'lay out' on, as depicted in the plans.
- 6. There is also nipa palm on the Pago river adjacent to the site. Construction of buildings and a marina would likely impact this hold of nipa palm which is protected by Guam law.
- 7. Another issue to consider is the influx of freshwater into the bay. Most bays can

withstand an influx of freshwater into its system. Eventually, with changing tides, equilibrium will be reached and the coral and fish will not be negatively affected. Too much freshwater can kill fish and corals. Pago bay is a relatively shallow bay and can be significantly impacted by large influxes of freshwater. The seagrass beds are home to a variety of juvenile fish that could be negatively impacted. Our residents saw this first hand in August 2012 when a large rain event combine with extremely low tides. A significant decrease in salinity from the freshwater influx and increased water temperature due to the low tide proved to be deadly for a significant amount of fish and octopus in the bay (please see summary statement of this event).

Impermeable surfaces (e.g. hardscaping, cement structures, and paved roads) increase the amount of freshwater and stormwater runoff entering bays. Implementation of cutting edge technology and best management practices can help reduce the freshwater impacts to the watershed. GovGuam regulations do not require these best management practices to be implemented and if the Pago Bay Marina Resort were to be developed in Pago Bay, there would be tremendous opportunity to lead by example. Decreasing the amount of concrete and increasing the ratio of permeable surfaces will help decrease freshwater and stormwater runoff into Pago Bay.

8. The public access to Ensa beach is currently on the proposed development site. During cleanup events and site visits, I have personally observed 3-4 fishers in one hour on an average day utilizing this access point to hunt for octopus and fish. Outlines to maintain the current public access that is frequently used by fishers should be included in the application.

January 29, 2016

PER 1 2016

Department of End Management Firms

Department of End Management Firms

Mr. Michael J. B. Borja Director, Department of Land Management P.O. Box 2950 Hagatña, GU 96932

Ref: Application 2015-29 – Request for Zone Variance for Height and Density – Lot 164-4NEW-1, Municipality of Yona

Dear Mr. Borja,

When the public hearing was held at the Yona Community Center for the above -referenced land use application to the Division of Land Planning, Department of Land Management (DLM) I had just returned from off-island travel and was unable to attend the public hearing.

I hereby wish to register my strong opposition to the proposed project for the following reasons:

- 1) Weakness of water infrastructure in Pago Bay Justice Monessa Lujan Road currently causing considerable water pressure fluctuations and unreliable service. This is a critical and on-going issue that has plagued this neighborhood for many years.
- 2) Traffic patterns are already difficult when trying to exit Justice Monessa Lujan Road unto Route 4, added traffic will make the situation even worse especially during peak hours between 6:30 A.M. and 8:00 A.M. and in the evening between 4:30 P.M. and 6:30 P.M. when most of the commuter traffic travels on Route 4.

It is of critical importance that the plans for infrastructure improvements – water, sewer, electricity, phone, internet and cable TV, and vehicular traffic be addressed comprehensively before the application be considered for approval.

Please provide further information as it becomes available to the residents of Pago Bay.

Sincerely,

Philippe Gerling – philippe.gerling@gmail.com work ph 647 0544 Resident - Pago Bay

Mailing address

1012 North Marine Corps Drive

Tamuning, GU 96913

Celine Cruz

From:

Michael Borja

Sent:

Monday, February 15, 2016 8:33 AM

To:

Celine Cruz; Patricia Muna

Cc:

Michael Borja; LAND MGT DIRECTOR

Subject:

FW: Adrian Gogue letter and article against Pago Bay Marina Resort development and

variance application

Attachments:

Letter to Mr. Borja-Director Land Management.pdf; Saving Pago Bay.pdf

MICHAEL J.B. BORJA

Director, Department of Land Management Government of Guam michael.borja@land.guam.gov (671) 649-5381

Check Your Property On Guam Land App



From: A Gogue [mailto:magahet4@gmail.com]
Sent: Tuesday, February 09, 2016 9:08 PM

To: Michael Borja < Michael. Borja@land.guam.gov>

Subject: Adrian Gogue letter and article against Pago Bay Marina Resort development and variance application

Hafa Adai Mr. Borja,

I am Adrian Gogue and I am enclosing my letter and article against the Pago Bay Marina Resort development and variance application.

I'd greatly appreciate if you could reply and confirm you've received this email with attachments.

Thank you.

Sincerely, Adrian Gogue

Adrian Gogue P.O. Box 1121 Hagatna, Guam 96932 magahet4@gmail.com

9 February 2016

Mr. Michael Borja Director, Department of Land Management

Hafa Adai Mr. Borja,

I am Adrian Gogue, a resident of Ordot-Chalan Pago and I am unequivocally opposed to the Guam Wangfang Construction, Ltd's Zone Variance for Height and Density Application No. 2015-29 Lot. L164-4NEW-1 to build a 300 unit multi-family residential facility within a destination to be known as the Pago Bay Marina Resort¹.

I am humbly asking the Guam Land Use Commissioners and other decision makers in this application process to disapprove this variance application. I am concerned about what the adverse impacts would be to our beautiful Pago Bay, ancestral and cultural history, ecosystem, environment, and infrastructure if this application were approved.

I have also put together an article based on my research against this development and reasons why we should be saving Pago Bay. Please include my letter and article as written testimony for the Guam Land Use Commission's public hearing and meeting on subject variance application.

I can be contacted at 488-6578 or via postal and email address listed above.

Thank you for your time and dang'ka'lu na si Yu'us ma'ase!

Sinseramente.

/s/ Adrian Gogue

¹ Guam Wangfang Construction Ltd Application for Zone Variance For Height and Density, September 17, 2015

SAVING PAGO BAY

By: Adrian Gogue Resident of Ordot-Chalan Pago



The 21st Century Developer (Giant Fish) That Ate Pago Bay

According to Chamorro legend, a giant fish ate away the central part of the island, thus forming Pago Bay. To save the central part from being further eaten by the giant fish, Chamorro women wove a giant net from their hair and captured the fish to prevent further damage to the island.

Sadly, this legend has become reality. A 21st century developer (giant fish) has already "eaten" away the bay's lush green landscape and developed the Pago Bay Resort. If you drive by the resort along Route 4, you'd notice only a handful of homes are built out of a proposed 98 home community. This is because the resort is most likely unaffordable to the

SAVING PAGO BAY PAGE 1 18 January 2016 overwhelming majority of islanders to purchase property and build a home there.

Furthermore, another developer threatens this beautiful bay with an application to obtain a height and density variance in order to build 14-story and 15story tower condominiums in the adjacent area next to the Pago River. These towers will be twin monstrosities that stick out as evesores in this serene coastal part of our island. We can stop this development and the further destruction of Pago Bay by telling the Guam Land Use Commission to disapprove this application.

Here are some of the reasons why we should be saving Pago Bay:

1. Pago is an ancient Chamorro Village

Located on the eastern coast of the island of Guam, Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations. Source: http://www.guampedia.com/pago/

Impact: If the variance application is approved to further commercially

develop Pago, this will be a near-irreversible process that will contribute to the destruction of our ancestral and cultural history. We should be preserving, not destroying.

2. Pago is full of abundant natural resources in the area

The village name Pago is likely derived from the Chamorro word pago (pagu), which is the wild hibiscus plant that grows abundantly in this area. The bark of this species of hibiscus traditionally was used to make ropes. Source: http://www.guampedia.com/pago/

The Pago ecosystem also consists of the pang'lao (land crab), mangrove crab, freshwater fish, migratory birds, wetlands, and nypa palm to name a few.

Impact: The loss of natural habitat and encroachment as a result of this development will be detrimental to the environment and local ecosystem.

3. Title 21 Guam Code Annotated for Real Property

Source:

http://www.guamcourts.org/ CompilerofLaws/GCA/title21. html

a. Chapter 61 Guam Zoning Law:

In a R-2 Multiple Dwelling Zone, a permitted use is "...Hotels, private groups, and institutions."

Yes, the developer can build a hotel in a R-2 zone, and may do just that according to an article posted on KUAM.com, "While they intend to market locally the development can be later used as hotel for a long-term arrangement." Source: Guam Wangfang representative comment in KUAM.com article posted 4 Jan 2016

Our beautiful Pago Bay is not Tumon Bay and building these towers will turn one of our island's iconic scenic bays into something it is not.

What is the target demographic for this resort? According to the developer's variance application on page 5, "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis." The developer further states in the application the "commercial areas and facilities are designed as amenities for the facility residents and their guests, and may only be opened to the public with special invitations and accommodations."

The developer's representative also told KUAM News "this is a low-impact project and will cost around \$75-90 million."

Really, what's low-impact about millions of dollars? In order to recover the cost of building this resort the developer will most likely market to big fish/big money investors and buyers. The condominiums would most likely be unaffordable for the overwhelming majority of our islanders, just like the adjacent Pago Bay Resort.

b. Chapter 61, § 61401. Height Limit Established.

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet)...

According to the developer's front elevation drawing on page 73 of the application, the proposed heights for these towers are approximately 150 and 170 feet respectively. Thus, the variance in height is approximately 400 percent greater than the 30 feet maximum allowable height.

Further, the application states the variance in density is required because the development exceeds the maximum allowable by 65 units.

Basically, the developer wants to build in excess of what is allowed.

Impact: If this application is approved these 14-story and 15-story monstrosity towers will forever alter the landscape and stick out as eyesores in a scenic area. What's to prevent future developers from building other towers throughout our beautiful Pago Bay and other scenic bays: Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat. This is the seed that will grow wildly and out of control.

c. Chapter 61, § 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters. that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by

construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark."

d. Chapter 63 Territorial Seashore Protection Act of 1974:

No permit shall be issued unless the Board has first found:

- That the development will not have any substantial adverse environmental or ecological effect...
- The applicant shall have the burden of proof on all issues.
- There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.

What we don't know What is the master plan for this proposal?

· Ancestral and Cultural

Preservation

- Utilities (power and water)
- Road Network and Safety
- Traffic and Congestion
- Wastewater/Sewage
- Habitat and Environmental Impacts

What are the GovGuam agencies inputs and assessments? Department of Agriculture, Department of Public Works, Environmental Protection Agency, Guam Power Authority, Guam Waterworks Authority, etc.?

These are only some of the reasons. Whatever your reasons may be, together let us save Pago Bay.

What we can do to save our beautiful Pago Bay

- Contact the Director,
 Department of Land
 Management and Guam Land
 Use Commissioners at 6495263 to let them know you
 want this application
 rejected and disapproved.
 You can also submit your
 written inputs and
 testimonials against this
 development. The
 Department of Land
 Management is located at:
 590 S. Marine Corps Drive, 3rd
 Floor, ITC Building, Tamuning.
- Read the Guam Wangfang Variance Application and become familiar with its

contents. The application can be found online at: http://dlm.guam.gov/glucapplications/

- Contact our elected leaders and tell them NO to this variance application: Mayors, Senators, etc.
- Voice your opposition in the press and in social media until this application is rejected and disapproved.

On 6 January 2016, a public hearing was held at the Yona Community Center. The hearing was well attended and the local media reported the public's overwhelming concerns in their coverage. For example, the Guam Daily Post stated in their article. "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay." Source: http://www.postguam.com/l ocal/news/43721-concernsraised-over-planned-pagobay-resort.html#.VpYr-UugHR0

TODAY, WE CAN MAKE A DIFFERENCE IN SAVING PAGO BAY FOR FUTURE GENERATIONS TO ENJOY.

Thank you and dang'ka'lu na si Yu'us ma'ase!







District of Chalan Pago – Ordot Municipal Planning Council January 27, 2016

RECEIVED 2-10-16 KB

Resolution No. <u>2016 - 01</u>

Introduced by:

Jessy C. Gogue, Chairman

Members:

Marcel Camacho Benny N. Campos Jr. Raymond G. Chaco Carmelita C. Cruz Nicklos R. Prelosky Jeannette Quintanilla Christopher A. Roberto John S. Salas Wayne S.N. Santos

RELATIVE TO THE ORDOT/CHALAN PAGO MUNICIPAL PLANNING COUNCIL (MPC) EXPRESSING THEIR VIEWS PERTAINING TO A ZONE VARIANCE APPLICATION (under Application No. 2015-29) FOR GUAM WANGFANG CONSTRUCTION LTD., WHO HAS REQUESTED A ZONE HEIGHT AND DENSITY VARIANCE FOR AN "R-2" (Multifamily Dwelling) ZONED LOT; SPECIFICALLY, LOT 164-4NEW-1, IN THE MUNICIPALITY OF YONA, FOR THE PROPOSED CONSTRUCTION OF A 304-UNIT, MULTI-STOREY DWELLING, TO BE KNOWN AS THE PAGO BAY MARINA RESORT.

BE IT RESOLVED BY THE ORDOT/CHALAN PAGO MUNICIPAL PLANNING COUNCIL, DISTRICT OF CHALAN PAGO — ORDOT AND, WITH THE APPROVAL BY A MAJORITY OF THE MEMBERS LISTED ABOVE; THE FOLLOWING RESOLUTION IS ADOPTED:

WHEREAS, LOT 164-4NEW-1 is a vacant and undeveloped lot located in the Municipality of Yona and, is south and adjacent to the Pago River; west of the Pago Bay shoreline and includes shoreline frontage; east of Route 4; north of the recently developed Pago Bay Resort (a residential subdivision); and is IMMEDIATELY SOUTH and ADJACENT TO the municipal boundary (Pago River) between the District of Chalan Pago-Ordot and the Municipality of Yona; and

WHEREAS, within the transmittal letter for Application No. 2015-29, it states that accessory uses and structures for this "R-2" zoned lot would include: "a full range of resident amenities including a health spa, an indoor and outdoor coffee shop; a restaurant, a retail shop, and function rooms." [bold & underline added for emphasis]; and

WHEREAS, the application also indicates that 32% of the project site are wetlands; and, that these wetlands run parallel to the Pago River AND is inclusive of a natural habitat for the Guam Nipa trees (Nypa fruticans), whose island presence has been reduced over several decades because of a shrinking of their natural habitat; and

WHEREAS, if an approval of a height and density variance were granted by the Guam Land Use Commission (GLUC) as delineated in Application No. 2015-29, for the proposed *Pago Bay Marina Resort*, this project would exceed its allowed density by 65-units and exceed its height restriction by 12-storeys; and

WHEREAS, 21 GCA Ch. 61 (Zoning Law) which governs and mandates the requirements for the submission of this Zone Variance application, also states in §61102. Purpose., that "this Chapter is to establish certain minimum



Government of Guam • P. O. Box 786, Hagatña, Guam 96932 Tel. (671) 472-8302 / 477-1333 • Fax: (671) 477-7131 regulations for the protection and promotion of the public health, safety, and general welfare of the people of the Territiory of Guam" and further states that these "regulations are deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements."; and

WHEREAS, in the transmittal letter to Application No 2015-29 for a height and density variance, their response also references 21 GCA Ch. 61 (Zoning Law), §61102, Purpose; however, it is the applicant's position that: "Disallowing this height and density variance, will result in difficulty and unnecessary hardship inconsistent with the general purpose, spirit, and intent of the zoning law", which many "Island residents" have disagreed with at a Public Hearing held at the Yona Community Center on Wednesday, January 6, 2016, having to remind the representatives of Guam Wangfang Construction Ltd., that our Zoning Laws are intended to protect "the people of the Territory of Guam" from adverse proposed developments, to include developments that could negatively impact community facilities and create an undue concentration of population to the surrounding community; and

WHEREAS, 21 GCA Ch. 61 (Zoning Law), §61104. Interpretation., further states that: "In interpreting and applying the provisions of this Chapter, they shall be held to be the <u>minimum requirements</u> for the <u>protection</u> and <u>promotion of the public health</u>, <u>safety and general welfare</u>, and shall be <u>liberally construed in furtherance</u> of these objectives; and

WHEREAS, if these variances are approved for this "R-2" zoned lot; within a 700 (±) feet radius of this proposed development exists seven (7) additional "R-2" zoned lots with an additional four (4) "R-1" zoned lots owned by the Silk Road Development Corporation who owns five (5) of the "R-2" zoned lots referenced and, which are located in the Municipality of Chalan Pago-Ordot [See Attachment (1)]; and

WHEREAS, in addition to 21 GCA Ch. 61 (Zoning Law), §61401. Height Limit Established., which limits the construction of a building or structure, to a height limit of three stories (30 feet); §61504, Building and Building Height Restrictions in Beach Areas, also notes that the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources.; and

WHEREAS, 21 GCA Ch. 61 (Zoning Law), §61616, Variances. paragraph (I) (6), also states that: "Real property chattels or any transient residential accommodations including breakfast inns, motels or hotels are NOT considered as residential dwellings" and, by written admission in the transmittal letter to Application No. 2015-29, "Parking", it states that: "Pago Bay Marina Resorts targets off-island clientele, who will be residing on Guam on a non-permanent basis."; further implies that this development is intended to be a "transient residential accommodation" regardless of the fact that its design could be categorized as a "multi-family" residential facility; and

WHEREAS, the community of Pago Bay within the District of Chalan Pago-Ordot, can be characterized as a medium to low density residential area, with single-dwelling homes constructed on an average lot size of 1000 square meters or greater; and

WHEREAS, even with the medium density of homes located within the Pago bay area, the current flow of traffic along Route 4, between the proposed *Pago Bay Marina Resort* and the *Route 4 & Route 10 Intersection* [northbound, morning traffic] or along Route 4 in Chalan Pago [southbound, evening traffic] would be severely impacted throughout the week, with the addition of a 304-unit facility located within Pago Bay, especially during the morning and evening rush hour traffic during the weekdays, which currently backs-up, on the average, about 0.25miles; and, creates an area of congestion at the *Route 4 & Route 10 Intersection*, which is one of the major

factors linked to the high volume of traffic accidents at this intersection over any other area along Route 4, within the Municipality of Chalan Pago-Ordot; and

WHEREAS, as a Zone Variance application, the developer has not been required to addresses the impact on public services within the immediate area, in which residents of Pago Bay are currently experiencing low water pressure, traffic congestion, and traffic safety, which are just a few of the concerns pertaining to this Zone Variance application; and

WHEREAS, in gathering input from residents of Chalan Pago-Ordot, who will be directly impacted by the anticipated demands from the proposed Pago Bay Marina Resort, to the existing infrastructure, our office received and has attached letters submitted by: Nicolas F. Borja, John F. Aguon, David S. Okada, and Adrian Gogue [Attachments (2) thru (5)]; who are in strong opposition to the approval of this Zone Height and Density variance for a proposed 304-unit development which will be known as the Pago Bay Marina Resort; and

WHEREAS, in addition to the individual letters received by this office from Ordot/Chalan Pago residents, a majority of our Island Residents who attended the Public Hearing held at the Yona Community Center on Wednesday, January 6, 2016, were strongly OPPOSED to the approval of a HEIGHT and DENSITY variance for the proposed Pago Bay Marina Resort; and in light of the input received and highlighted in this Resolution; now and therefore be it further

RESOLVED, that the Ordot – Chalan Pago MPC recommends the **DISAPPROVAL** of the ZONE VARIANCE APPLICATION (under *Application No. 2015-29*) FOR GUAM WANGFANG CONSTRUCTION LTD., in connection with the proposed *Pago Bay Marina Resort*; and be it further

RESOLVED, that the Chairman of the Ordot – Chalan Pago MPC certifies and the Secretary attests to the adoption hereof, and that copies of this resolution be thereafter transmitted to the Governor of Guam; Speaker, 31st Guam Legislature; Director, Department of Land Management, the Mayors Council of Guam; and via the Department of Land Management, to Guam Wangfang Construction LTD and/or their designated representative.

DULÝ RECORDED AND REGULARLY ADOPTED BY THE ORDOT – CHALAN PAGO MUNICIPAL PLANNING COUNCIL
ON THE <u>27TH</u> DAY OF JANUARY 2016.

CERTIFIED BY:

Jessy C.\Gogut,
OCP-MPC Chairman and Meyor

District of Chalan Pago - Ordot

ATTESTED BY:

Rosemarie J. T. Posadas

Secketary

Municipality of Chalan Pago-Ordot "R-2" Zoned Lots

PROPERTY OWNER	ZONE CODE	Land Area (Square Meters)	Lot number
Silk Road Development Corp	R-2	2567	L3329-1-R4-1-2
Silk Road Development Corp	R-2	2367	L3329-1-R4-1-3
Silk Road Development Corp	R-2	1769	L3329-1-R4-1-7
Silk Road Development Corp	R-2	1777	L3329-1-R4-1-9
Silk Road Development Corp	R-2	3324	L3329-1-R4-1-R9

Total area: 11,804

Silk Road Development Corp	R-1	1875	L3329-1-R4-1-1	H =
Silk Road Development Corp	R-1	2151	L3329-1-R4-1-4	
Silk Road Development Corp	R-1	1999	L3329-1-R4-1-6	
Silk Road Development Corp	R-1	2119	L3329-1-R4-1-8	

Total area: 8,144

Silk Road Development Corp Land Ownership:

19,948

PROPERTY OWNER	ZONE CODE	Land Area (Square Meters)	Lot number
Lucia L.S. Topasna	R-2	1338	L186-1-7
William T. Mantanona	R-2	800	L186-1-8

Total area:

2,138

TOTAL AREA OF "R-2" ZONED LOTS:

13,942

Mr. John Arroyo, Chairman, Guam Land Use Commission Department of Land Management P.O. Box 2950 Hagatna, GU 96932

Dear Mr. Arroyo:

My name is Nicolas F. Borja, owner and resident of Lot No. 3397-1-3-R5, located at Chalan Josefan Bittut, off Chalan Justice Monessa Lujan, Pago Bay, Guam. I write this testimonial letter to express my view on the proposed Pago Bay Marina Resort project and its effort to obtain "zone variance for height." The project entails a 14-story and a 15-story structures consisting of 304 condominium units.

The project of this magnitude will tremendously impact not just our roads with heavier traffic but will place a burden on our already fragile infrastructures. Is our government able to provide the infrastructural needs of this project and still maintain reliable services to the community? This is the million-dollar question. I answer this with skepticism based on experience. To this day, I continue to suffer with low water pressure and I am profoundly concerned that the construction of Pago Bay Marina Resort would generate a more detrimental effect on my already low and problematic water pressure. I oftentimes wonder if the water pressure to my residence meets the U.S. EPA requirements at times.

Also of great concern of mine is the actual proposed height of the structures. In 1994, our decision to move to our current residence was to enjoy the tranquil and beautiful vista of greeneries and ocean view that Pago Bay offers. We continue to enjoy it to this day! To allow this project to go through its requested height is to guaranty other high rises in the area destroying the true beauty of Pago Bay forever. Unlike the infrastructure issues, this cannot be fixed or mitigated once it is done!

I understand that progress is hard to stop, but I hope with the system in place, we have a say on the TYPE OF DEVELOPMENT being forced upon our community. For all reasons stated, I say "NO" to the proposed Pago Bay Marina Resort. Please keep high rises and its concrete jungle away from Pago Bay.

I thank you for the opportunity to have my voice heard.

Sincerely,

P.O. BOX 20262

Barrigada, GU 96921 borjanick@yahoo.com

January 05,2016

Mayor Jesse Gogue 171 Dero Rd. Ordot, Guam 96910 January 11, 2016

Hafa Adai, Mayor:

Attached you will find the written testimony that I submitted to the Public Hearing at the Yona Community Center with reference to land application no. 2015-29, for Pago Bay Marina Resort on January 6, 2016.

Thanks for submitting this information to the Guam Land Use Commission for the Municipality of Ordot-Chalan Pago.

Sincerely,

John F. Aguar, Pago Bay Resident, Municipality of Ordot-Chalan Pago

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January 6, 2016

Mr. Ken C. Ada Mayor of Yona and Municipal Planning Council Yona, Guam

In care of Mayor's Council of Guam P.O. Box 786 Hagatna, Guam 96932 Tel. Nos. 472-8302/3 and 477-1333/7173 Fax: 477-7131

RE: Written Testimony in the application no. <u>2015-29</u> and zone variance application for Lot No. <u>-164-4NEW1</u>, <u>ZONE VARIANCE</u> <u>FOR HEIGHT</u> (Multifamily Dwelling located in Pago Bay, Yona. This is better known as the Pago Bay Marina Resort, a proposed two towers, a 14-story and a 15-story multifamily dwelling.

Public Hearing Date/ Time/Place-January 6, 2016, 6:00 p.m., Yona Community Center

Hafa Adai and Hello to the Mayor, Staff of Department of Land Management and residents of Yona, and Chalan Pago,

Thank you for allowing me the opportunity to comment on the proposed multifamily dwelling entitled, Pago Bay Marina Resort, to be located in Pago Bay in the Municipality of Yona.

I am a resident of the Chalan Pago side of Pago Bay, Chalan Monessa Lujan road, a resident for twenty eight years, raised my family here and have grown to enjoy the beauty of this area and its oceanic splendor. I own a house and lot in this location. Approximately, I live close to the vicinity of this structure to be affected by its appearance functionally, visually and aesthetically.

I do not support the building of this massive structure as proposed by the Guam Wangfang Construction Company Ltd. for the following reasons: 5

Testimony on Pago Bay Marina Resort, dated 1/6/16

Page 2

- 1. Insufficient notice preparation was given to other residents in this area impacted by the building. I assume that I was not notified because I was outside the 500 feet from the perimeter of the project but I do appreciate the newspaper notice to the public on December 25, 2015. The time frame allowed the public to get information on this development may not be sufficient for me and others to form an educated and well- informed idea of the ramifications of the building project and development. Efforts were made to obtain this information within the seven workdays that government offices were opened. Although the public notice in PDN dated December 25, 2015, ran for 13 thirteen calendar days, I had only seven (7) work days to obtain and collect information on this matter. Is this adequate notice for all publicly affected by this project or were the property owners within the 500 feet given an earlier notice to determine the projects effect on their property? I don't know.
- 2. The structure departs greatly from the established residential building of a single dwelling or up to three story structures for residential housing in Pago Bay.
- 3. In the land application report submitted to the Guam Land Use Commission, is there a difference in the short form and the long form of environmental impact assessment. Is there a conclusive environmental impact statement to be made that the public needs to know?
- 4. Was this building structure granted approval by the U. S. Army Corps of Engineers to determine its impact on the Pago River? This information is difficult to locate and being a citizen of this island remains a mystery what is needed to get it. I would like to see more information on the impact on flood control, beach nourishment and better waterway navigation for the public.
- 5. The building structure increases the possibility and paves the way for more high rise buildings to being built in this area should the approval be granted. Is the current private company able to control its effect on other parts of our way of living in traffic congestion, pollution,

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Page 3

and infrastructure? Future developments obviously are beyond the control of the present developer. Or will these problems be put aside for awhile to permit our local government to contend with and correct when the need arises at a different time and place?

- 6. The Pago Bay Marina Resort represents the beginning of city development and life. Tumon Bay is our local example of how buildings can proliferate since 1975 with the first construction of a similar structure such as the Fujita Hotel. As we have seen, the problems connected to city living are human congestion in traffic, space, increase in crime, and pollution in the natural environment. Is Guam ready for more? Keep the city in the Northern part of Guam not in the central area of Guam.
- 7. There is no representative master plan yet in place for this area to protect its resources for future generations. Are we to change the physical façade of an area because there are investors willing to catapult on a more complex level, the general direction of a village's character without considering the consequences? Private property interests are to be balanced with major ecological as well as sociological impacts since these properties are near the ocean directly affecting our coral reef. When the reefs around Pago Bay are eroded, are we willing and capable of repairing the damage when the tides move inside to cut into more private lands? Secondly, there are no proposed models of development in this area, that can be scientifically and based projected engineering designs that provide a results analysis that shows a visionary community for all residents in Chalan Pago and Yona to base their decisions of today. Are we to randomly build based on just needs and demands of the present?
- 8. Lastly, the building instead of this massive monolith should be towards redirecting building design to focus on the concepts of village units within a village that have served to control and blocked many sociological problems from happening among these overcrowding and crime, look at Mangilao and Ordot with very little deviant social problems and the cohesive family units that fosters the best child growth simply because they have stemmed the tide of the city life.

Page 4

Obviously, we shouldn't dismiss the fact that this resort is good for the area: More housing available to residents or visitors. Within this area, I can only assume that it is for the high income buyers or renters that can afford the apartments. I may be wrong, I beg your indulgence. Will it help to lessen the problem of housing shortages for a majority of residents? If not redirect the project to address this great need and demand in the island of Guam.

Other inquiries not addressed by the report:

- a. Report fails to indicate the per cent of natural habitat that will be destroyed by the clearing? Is this manageable and incidental damage only.
- b. Will this clearing increase the destruction of more natural habitat for the whole Pago Bay and to what extent?
- c. What plans are needed to prevent alluvial damage to coral reef that is possible with construction runoff in and during heavy rainfall?
- d. To the laypersons, why wasn't there a definitions page to explain acronyms pervasive throughout the report?

RECOMMENDATIONS:

- 1. Let's protect the environment by showing to the public an environmental impact statement as the work progresses if ever approved based on expert opinions of professional consultants. The Guam Land Use Commission should not consider the variance and zone change until the environmental impact assessment in long form is completed.
- 2. Continue to maintain single family and up to 3 story housing structures, R-2 zone, to preserve Community life as it should exist for our local Guamanian population.

 Deny the height variance to insure the present R-2 status.
- 3. If the building is approved for building at the Guam Land Use Commission level, the private owners and developer must comply with

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Testimony on Pago Bay Marina Resort, dated 1/6/16

Page 5

environmental requirements properly documented for public inspection to protect the remaining wetlands, ocean, plants and coral in Pago Bay. Is this too much to ask knowing that they will eventually receive a QC (Qualifying Certificate) from GEDA which fosters business growth?

4. The developers must show for public approval and consistent with federal requirements the approval of the permit granted to them by the U.S. Army Corps of Engineers when impacting a river. Assure that the Pago Bay River continues to retain its natural quality in the future and no impediments to its flow during and after the building of the Pago Bay Marina Resort.

Sincerely, yours

John F. Aguon, resident of Chalan Pago, Pago Bay, Municipality of

Ordot -Chalan Pago

January 12, 2016

c/o Mayor Jessy C. Gogue District of Chalan Pago-Ordot

FOR Land Use Commission

REF: Pago Bay Marina Resort - Action for Zone Variance for Height

Dear Mayor Gogue:

Thank you for allowing citizens/residents to provide input through you for submission to the Land Use Commission concerning the zone variance for height, application number 2015-29, Lot L164-4NEW-1, zoned as R-2 (multi-family dwelling).

There has not been sufficient time for me to personally research the various areas that raises concerns. But, I am confident that those Government of Guam agencies and experts in various environmental issues will provide that information in more technical details. What I am providing are my observation and experiences concerning this matter as a citizen and planner.

Bottomline: I am not in support for a zone variance for height for this project and the Land Use Commission needs to disapprove this request. Approval of the variance is not in the overall best interest of this area and the current residents surrounding it.

Reasons:

- -Traffic and Road Safety. I am hopeful that DPW will provide specific details concerning the negative impacts here. Unless major renovation to the roadway is done to accommodate the current approved lots for family dwelling (including the Pago Bay Estates that has yet to be filled), the main entrance to this lot is where the roads merge to a single lane before it expands to two lanes in at least one direction. This bottleneck/choke point already is problematic with the current congestion that exists. When an accident occurs, that section will most likely have to be closed as there is little to no room for alternate means to get around the corner. Citizens and other people habitually speed along that road and an accident that may occur will most likely not be minor if coming from down the hill. Additionally, the Pago Bay Resort next to this lot has not been filled to capacity, yet. When this occurs, I am confident that a tipping point will be reached concerning the roadways. We do not need a series of accidents when this area is filled to capacity before something is done to improve road safety and traffic flow. If the multi-story, 304-unit structure is built, this supposedly will add another 800-1,000+ people that will need to access route 4 in this area. I don't think any more needs to be said about this as it is pretty obvious more population in a choke point area supposedly with no plan to mitigate it (that I have heard) is not in the best interest of the residents and those who need to travel on it.
- -Sewage, Water, and Water Pressure. Sewage, water, and water pressure are already problematic in this area. Increasing the population to such a degree appears counter-productive to the existing residents in the area. I am confident that GWA/GEPA/DPW can provide appropriate responses in these areas. Without a mitigation plan (I have no information on this), I cannot see goodness resulting in this area.
- **-Power Utilities.** I am confident that GPA can provide the appropriate information in this area. I have no clue on capacity capabilities or mitigation plans and hope this is not a problem area.

-Flood Zone and Environment. Based on what I heard the contractor and consultant said about mitigating issues here, there is no way they will be able to control the nature of the flood zone and environment that impacts that area because the causes of those impacts extend well beyond this particular lot. Their selling point that it will be mitigated was actually an insult to the intelligence of the residents who attended the public meeting and their integrity is now extremely questionable as to their agenda for really improving the area. This is an area where I can tell you I have lost all trust and confidence in the contractor and consultant in trying to sell the residents, and eventually the Land Use Commission and the Legislature, a bill of goods that cannot be met. This needs to stop. Their research should have shown them that what they say that will do is not possible. Environmentalists and researchers who are experts in this area have testified to this effect. The real question is whether the contractor and consultant have taken what was presented to heart in their planning process or whether is it only about achieving a zone variance for financial or other reasons not in the best interest of the current residents and surrounding area. Several residents have provided alternative usage of that area to the contractor and consultant that may be more viable to the environment and residents in the immediate area. Some suggestions were reducing the dwelling footprint to within the zone requirements, include a park-like area that residents and the community can use, and complement the environment for educational purposes rather than dwelling purposes.

-Current Land Use and Zoning Laws. There should have been extensive research and discussions that were discussed concerning the Pago Bay area that have caused the current Land Use and Zoning Laws to be what it is today. That being said, I am requesting the Land Use Commission look at this baseline and reasons why the current law requires such restrictions. I have personally looked at this lot from the top and bottom of the hill, at the lot itself, and from the view which my residents will be. I can tell you that the current requirements as established by law are good and that a variance to allow for a multi-story (15-16 story building) is not in the best interest of this area and should not be approved. What the contractor has done for the Pago Bay Resort (single family dwelling) is about what should have been done for this remaining portion of land, not a high riser.

-Crisis/Disaster Emergency Concerns. As everyone knows, Guam experiences typhoons and this particular area is a flood zone. Additionally, there have been more emphasis on tsunami responses by Guam Homeland Security. If I heard the presenter (either contractor or consultant) correctly, he mentioned that there is a need for more dwelling and that a friend in a wheel chair is actually looking forward to residing there. The main issue here is evacuation. If this area needs to be a family dwelling area, allowing for a 15-16 story facility is not in the best interest of those who will live there, especially the friend that is in a wheel chair, when evacuation is required on short notice. If such a 15-16 story facility is needed, then build it is an area that is not a flood zone area, not a traffic choke point area for accessibility (massive egress/ingress), and where the zoning laws allow for such facility already. Pago Bay area is not that area.

Thank you for the opportunity to provide input. I may be contacted by phone if there are any questions concerning my comments. My phone is 688-6627.

Sincerely.

David S. Okada

Citizen/Chalan Pago

David & Okada _

Adrian Gogue P.O. Box 1121 Hagatna, Guam 96932

10 January 2016

Guam Land Use Commission
Department of Land Management

Dear Commissioners,

I am Adrian Gogue, a resident of Ordot-Chalan Pago and I am unequivocally opposed to the Guam Wangfang Construction, Ltd's Zone Variance for Height and Density Application No. 2015-29 Lot. L164-4NEW-1 to build a 300 unit multi-family residential facility within a destination to be known as the Pago Bay Marina Resort¹.

We need to preserve and save this iconic scenic bay. Thus, I humbly ask the Guam Land Use Commission and other decision makers in this application process to disapprove this variance application. I am concerned about what the adverse impacts would be to our beautiful Pago Bay, our ancestral and cultural history, the ecosystem, environment, and infrastructure if this application was approved.

On January 6, 2016, FCB Planners and Guam Wangfang's Professional Engineer held a public hearing on the proposed Pago Bay Marina Resort at the Yona Mayor's Office/Community Center. I attended the hearing and voiced my opposition then. Every major local media reported on the public hearing and the many concerns expressed by many residents. For example, according to The Guam Daily Post article, "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay."²

I am opposed to this variance application and development for the following reasons:

Ancient Chamorro village³

Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations.

Guam Wangfang Construction Ltd Application for Zone Variance For Height and Density,

² The Guam Daily Post "Concerns raised over Pago Bay resort", January 8, 2016; http://www.postguam.com/local/news/43721-concerns-raised-over-planned-pago-bay-resort.html#.VpYr-UugHR0

³ Guampedia Pago http://www.guampedia.com/pago/

These investigations include the discovery of previously buried archeological soils, features and artifacts indicating that people lived along the shores of this bay hundreds of years before the Spanish first arrived in AD 1521.

During the period from 2005-2009 four archeological projects were completed in Pago Bay. Three small projects were located northeast of the Pago River in the vicinity of Frank Perez Park, a public recreation area located on the shoreline, northeast of the river mouth. The fourth and largest project, the Laguna Pago Bay Resort, is located south of the river. These projects found that the lands bordering the bay on both sides of the river had been utilized during the Latte Period (AD 900-1521), and they revealed new information about the ancient village of Pago, the nature of its occupation and the range of activities traditionally carried out by the people who lived there. Three separate projects completed on the north side of the river were situated on the accumulated sand deposits that lie southeast of Chalan Justice Monessa Lujan, formerly known as Inalado Road, and the shoreline. The large project completed on the south side of the river included a narrow strip of beach bordered by a limestone cliff with rock overhangs and upland areas developed on a limestone base that formed a plateau and slopes. While all of the areas had been considerably disturbed in the past, the archeological projects identified scattered pockets of intact cultural deposits dating to the Latte Period.

Impact: Are we willing to commercially develop the land where our ancient villages once stood? This will further the destruction of our ancestral and cultural history.

Title 21, Guam Code Annotated Real Property: Chapter 61 Guam Zoning Law

§ 61401. Height Limit Established.4

"In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet), ..."

Impact: These height limits are put in place for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam⁵. These 14-story and 15-story monstrosities will forever alter the Pago Bay landscape. Additionally, what's to prevent future developers from applying for this same variance, exceeding the height limits and building other towers not only in Pago Bay but also at our remaining island scenic bays: Ylig, Talofofo, Inarajan, Merizo, Agat, Cetti, Sella, and Umatac. Approving this application will plant the seed that will grow wildly and out of control.

§ 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas⁶

⁴ Title 21 GCA Chapter 61

⁵ Title 21 GCA Chapter 61

⁶ Title 21 GCA Chapter 61

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

The 14 story and 15 story towers have the potential of becoming a menace to the well-being of the residents of Pago Bay. Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark."

Title 21, Guam Code Annotated Real Property: Chapter 63 Territorial Seashore Protection Act of 1974

"63108. Interim Permit Control.7

- (a) General provisions.
- (1) On or after June 1, 1974 any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the Commission, and, if required by law, from any other governmental department or agency. No permit shall be issued without the affirmative votes of a majority of the Board members.
- (2) No permit shall be issued unless the Board has first found:
- (A) That the development will not have any substantial adverse environmental or ecological effect, and
- (B) That the development is consistent with the purpose and objectives of this Chapter.

The applicant shall have the burden of proof on all issues.

- (3) All permits shall be subject to reasonable terms and conditions in order to ensure that:
- (A) Access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication.

⁷ Title 21, GCA Chapter 63

- (B) There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.
- (C) Adequate and properly located public recreation areas and wildlife preserves are reserved.
- (D) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources.
- (E) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation."

What is the target demographic?

According to the developer's variance application on file with the Department of Land, the developer states on page 5, "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis."

The developer's representative also told KUAM News "this is a low-impact project and will cost around \$75-90 million." Really, what's low-impact about millions of dollars? In order to recover the cost of building this resort the developer will most likely market to "big fish/big money investors and buyers", and the condominiums would most likely be unaffordable for the overwhelming majority of our islanders, just like the adjacent Pago Bay Laguna Resort.

In closing, I humbly ask the Guam Land Use Commission and other decision makers in this application process to disapprove this variance application. By doing so, we are saving Pago Bay.

Dang'ka'lu na Si Yu'us Ma'ase.

Senseramento, Adrian Gogue

SAVING PAGO BAY

By: Adrian Gogue Resident of Ordot-Chalan Pago



The 21st Century Developer (Giant Fish) That Ate Pago Bay

According to Chamorro legend, a giant fish ate away the central part of the island, thus forming Pago Bay. To save the central part from being further eaten by the giant fish, Chamorro women wove a giant net from their hair and captured the fish to prevent further damage to the island.

Sadly, this legend has become reality. A 21st century developer (giant fish) has already "eaten" away the bay's lush green landscape and developed the Pago Bay Resort. If you drive by the resort along Route 4, you'd notice only a handful of homes are built out of a proposed 98 home community. This is because the resort is most likely unaffordable to the

overwhelming majority of islanders to purchase property and build a home there.

Furthermore, another developer threatens this beautiful bay with an application to obtain a height and density variance in order to build 14-story and 15story tower condominiums in the adjacent area next to the Pago River. These towers will be twin monstrosities that stick out as evesores in this serene coastal part of our island. We can stop this development and further destruction by telling the Guam Land Use Commission to disapprove this application.

Reasons why we should be saving Pago Bay:

Pago is an ancient Chamorro Village

Located on the eastern coast of the island of Guam, Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations. Source: guampedia.com

Impact: If the variance application is approved to further commercially develop Pago, then this will be a near-irreversible

process that would contribute to the destruction of our ancestral and cultural history. We should be preserving, not destroying.

Pago is full of abundant natural resources in the area

The village name Pago is likely derived from the Chamorro word pago (pagu), which is the wild hibiscus plant that grows abundantly in this area. The bark of this species of hibiscus traditionally was used to make ropes. Source: guampedia.com

The Pago ecosystem also consists of the pang'lao (land crab), mangrove crab, freshwater fish, migratory birds, wetlands, and nypa palm to name a few.

Impact: The loss of natural habitat and encroachment as a result of this development will be detrimental to the environment and local ecosystem.

Under Title 21 Guam Code Annotated for Real Property:

Chapter 61 Guam Zoning Law:

In a R-2 Multiple Dwelling Zone, a permitted use is "...Hotels, private groups, and institutions."

Yes, the developer can build a hotel in a R-2 zone, and may do just that according to an article posted on KUAM.com, "While they intend to market locally the development can be later used as hotel for a long-term arrangement." Source: Guam Wangfang representative comment in KUAM.com article posted 4 Jan 2016

Our beautiful Pago Bay is not Tumon Bay and building these towers will turn one of our island's iconic scenic bays into something it is not.

What is the target demographic for this resort?

According to the developer's variance application on page 5, "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis."

The developer's representative also told KUAM News "this is a lowimpact project and will cost around \$75-90 million." Really, what's low-impact about millions of dollars? In order to recover the cost of building this resort the developer will most likely market to "big fish/big money investors and buyers", and the condominiums will most likely be unaffordable for the overwhelming majority of our islanders, just like the adjacent Pago Bay Resort.

The height limit is also found in Chapter 61

§ 61401. Height Limit Established.

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet)...

According to the developer's front elevation drawing of page 73 of the application, the proposed height for these towers is approximately 150 and 170 respectively. The variance in height is approximately 400 percent greater than the 30 feet maximum allowable height.

Further, the application is for a variance in density, which exceeds the maximum allowable by 65 units.

Basically, the developer wants to build more than what is allowed.

Impact: If approved, the 14story and 15-story monstrosity towers will forever alter the landscape and stick out as eyesores in a scenic area. What's to prevent future developers from building other towers throughout our beautiful Pago Bay and other scenic bays: Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat. This is the seed that will grow wildly and out of control.

§ 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas. and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventyfive feet (75') of the said mean high water mark."

Under Title 21 Guam Code Annotated for Real Property: Chapter 63 Territorial Seashore Protection Act of 1974:

No permit shall be issued unless the Board has first found:

- That the development will not have any substantial adverse environmental or ecological effect...
- The applicant shall have the burden of proof on all issues.
- There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.

What we don't know What is the master plan for this proposal?

- Ancestral and Cultural Preservation
- Utilities (power and water)
- Road Network and Safety
- Traffic and Congestion
- Wastewater/Sewage
- Habitat and Environmental Impacts

What are the GovGuam agencies inputs and

assessments? DOA, DPW, EPA, GPA, GWA, etc.?

What we can do to save our beautiful Pago Bay

- Contact the Director,
 Department of Land
 Management and Guam Land
 Use Commission at 649-5263
 to let them know you want
 this application rejected and
 disapproved. You can also
 submit your written inputs
 and testimonials against this
 development.
- Contact our elected leaders and tell them NO to this variance application: Mayors, Senators, etc.
- Voice your opposition in the press and in social media until this application is rejected and disapproved.

On 6 January 2016, a public hearing was held at the Yona Community Center. The hearing was well attended and the local media reported the public's overwhelming concerns in their coverage. For example, the Guam Daily Post stated in their article. "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay." Source: http://www.postguam.com/l ocal/news/43721-concernsraised-over-planned-pagobay-resort.html#.VpYr-UugHR0

You can make a difference in saving Pago Bay.

Thank you and dang'ka'lu na Si Yu'us Ma'ase!

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EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÄHAN (Government of Guam)



MICHAEL J. B. BORJA Director

DAVID V. CAMACHO Deputy Director

February 19, 2016

MEMORANDUM

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT:

Summary of Position Statements by ARC Members

RE:

Zone Variance Application – 2015-29

Listed below are the APPLICATION REVIEW COMMITTEE POSITION STATEMENTS as submitted:

PERMANENT VOTING MEMBERS

1. **DEPARTMENT OF LAND MANAGEMENT:** DLM finds the application in need of clear and concise information to craft a decision-making tool for the Commission. In light of this, we recommend this application be **TABLED** until such time as the application is supplemented with evidence that addresses the points of concern identified in ARC Position Statements and the Public Hearing.

2. GUAM ENVIRONMENTAL PROTECTION AGENCY:

The Guam Environmental Protection Agency completed its review of the subject application and submits the following:

1. General

The Agency recognizes the rationale to construct the proposed residential buildings to alleviate the growing demands of housing relative to the anticipated population growth.

However, this Agency is also cognizant of the potential impacts to the aged and inadequate infrastructures (water, sewer, storm water management system) serving the area and neighboring community.

- 2. Storm Water Disposal Management Plan
 - A. Conclusion:
 - There are no design and hydraulic calculations for the proposed storm water management plans to ensure proper storage and discharge of storm water runoff,

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which will be generated after full development of the property. A soil investigation and percolation test must be conducted to determine the rate of percolation.

b. The water table is a major setback in designing an effective drainage system. The EIA short form (item 9) indicates that the type of soil within the proximity and footprint of the project is considered to have high water table, which could limit the capacity of storm water percolation and settlement.

B. Recommendation:

- a. Conduct a comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a storm water management plan
- b. Comply with the requirements of the 2006 Guam CNMI and Guam Storm Water Management Manual and provide a pre-treatment.

3. Wastewater System

A. Conclusion:

- a. The proposed sewer connection is an existing stub-out that was provided from the 98 single family residences (Pago Bay Resort) on Lot 155-NEW-R1, GLUC application No. 2007-84 and was approved on March 14, 2008.
- b. In the same application, GWA is requiring that the applicant generate wastewater calculations on the Pago Double Shaft and New Chaot Sewer Pump Stations to determine the reserve capacity required to accommodate the proposed wastewater load.
- c. GWA advised the applicant that the gravity sewer lines on Route 4, downstream of the new Chaot SPS termination manhole on Route 1, are at capacity.
- d. GWA notes: "Until projects are implemented to upgrade [these] area, this subdivision (Pago Bay Resort) will be unable to connect to the sewer."
- e. According to GWA (on March 13, 2008): a review to determine specific requirements for these areas is in progress, no detailed recommendation have been made as to requirements for upgrading them.
- f. Further, GWA notes: "Any upgrade of the downstream facilities must be completed prior to the connection of the subdivision (Pago Bay Resort), whether the financial responsibility is determined to be that of GWA or the developer."

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g. The consumer density of the facility being considered is three (3) times (300 units) larger than the Pago Bay Resort where the above comments were based. The full occupancy is much sooner than the resort due to the type of development.

B. Recommendation:

- a. Applicant must submit the results of the aforementioned studies and provide information on any projects completed in support of the application.
- b. The sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during non-peak hours.
- c. The proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station.
- d. Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location.
- e. The wastewater pump station requires a certified operator to operate for compliance with the 10 GCA Chapter 52, the "Water and Wastewater Operator's Mandatory Certification Act."
 - Pumping of sewage to GWA's gravity main must be scheduled during non-peak hours.

4. Water System:

A. Conclusion:

- a. The proposed connection is at the existing Pago Bay Resort is supplied after the GWA Pago Bay Booster Pump.
 - b. The required Maximum Daily Demand is 172,800 Gallons per day, which is equivalent to the production of a 100-GPM water well.
 - c. The project is at the lowest elevation, therefore all available water in the distribution pipes could be exhausted by this facility, and customers at higher elevations could be impacted with low to no water pressures.

B. Recommendations:

- a. The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow.
- b. The water point of connection must be before the Pago Bay Booster station to conserve energy.

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c. Non-potable water for landscape and other non-domestic use must be explored by collecting rainwater.

5. Others:

- a. Wetland area must be protected and a buffer of 30 feet must be maintained.
- b. The project must comply with all the requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e. Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.)

3. <u>DEPARTMENT OF AGRICULTURE</u>:

Agriculture has reviewed the subject lot for a "Zone Variance" request and does not oppose the development provided the following conditions and concerns are met to prevent major ecological damage, to include wetlands, endangered species, coastal erosion concerns, protected indigenous flora and fauna. Our agency will require during the permitting process to obtain a clearing, grading and building permit that the following concerns are addressed before any future earthen work activity is performed.

As mentioned above during the application for permits to construct in order for the Department of Agriculture to approve the permit we will also require a recent "Biological Survey" to determine that no protected indigenous flora and fauna that have recently been listed on the <u>Federal Endangered Species List</u> is affected by the development. Should the consultant find such species in the area they must be protected by either leaving in place and no development occurs in the area or can be relocated to a section of the property where development is restricted to a "green zone" meaning that a portion of the property will be kept in an original state such as the wetland and river habitat that will be left so that these endangered and indigenous species can thrive and live.

The wetland points identified with your consultant ARC Environmental during the inspection of the lot located closest to the river system must be identified through signs and markers to ensure that no encroachment by heavy equipment and other machinery takes place. It is also important to maintain an appropriate buffer zone between the proposed development and this river/wetland habitat to add further protection of this area. Be aware that along this river system strands of the Nipa palm (Nypa fruticans) are within government jurisdiction and cannot be harvested as they provide protection of the river system by preventing erosion into this area.

Due to the proximity to Guam's coastal shoreline it is required that any such development along these areas incorporate Best Management Practices and Mitigation controls to ensure that no erosion of any fill material or dredge is allowed to enter into these protected areas. Silt screens and other

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erosion control measures must be erected and maintained throughout the entire period of development. The silt screens should be installed in a 2 to 3 tier system to provide double and triple layer protection and erosion control should heavy inundation and landslides occur. The screens must be installed properly to ensure they prevent any material from flowing below the skirt and washing away. During any activity requiring the use of heavy equipment and other machinery or materials that use any fuels or industrial applications of chemicals they must not be done near the coastal, river, and wetland zones. Any such activity must be done at an approved OSHA site that contains the proper systems to catch any spillage and leakage. Signs must also be posted to notify persons working on the project site that these activities are prohibited. Be aware that our agency may impose fines and penalties should any destruction and contamination of these areas occur. Agriculture recommends that the developer include a comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees. As Guam looses native habitat to increased development it is imperative that any future development replace and preserve these species that provide a valuable resource that protects important ecological habitat and the "Northern Aquifer" the primary source of drinking water for the island. As these trees disappear the function they may perform in preventing erosion and filtering contaminants from entering the aquifer and coastal systems is lost. By replanting and ensuring that a healthy strand of these trees are in place the developer takes an important step in protecting our resources. In addition to these benefits of a landscaping plan the tress will also provide windbreak capabilities, shading, filtrations system, habitat for indigenous and migratory species of birds and the overall aesthetic visual improvement appeal rather than just a concrete

Our Forestry Division grows and maintains these native tree species should you choose to incorporate them into the project. For assistance using fruit and ornamental tree species contact our Agricultural Development Services where we maintain an Organic and Environmental Demonstration Farm that showcases proper erosion control can be made available to clientele upon consultation. For concerns with the Coastal and Wetland zones on or near the property consult our Division of Aquatic and Wildlife Resources for guidance and procedures.

4. **GUAM WATER WORKS AUTHORITY**:

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the zone variance application:

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1. GWA recommends coordination with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements.

2. Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved

by GWA.

- 3. The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and the water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.
- 4. If water and sewer infrastructure are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.
- 5. The applicant shall install the water meters in the right of way or easement.
- If the developer will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities.
- 7. New development is subject to water and/or sewer system development charges (SDC).

5. **GUAM POWER AUTHORITY**:

GPA has performed its system impact analysis of the existing electrical infrastructure and the response to the addition of the Pago Bay Marina Resort. GPA has determined that significant infrastructure upgrades, that includes but is not limited to, switches, voltage regulators, load transfers and capacitor banks must be completed in order to support this project. GPA is also investigating the line extension of feeder P-211 to support the Pago Bay Marina Resort as a permanent solution.

Consequently, the infrastructure upgrades, at a minimum of those referenced above, shall be completed prior to final service connection of Pago Bay Marina Resort.

A. Comments and Recommendations Concerning GPA requirements:

- The applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.

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Maintain adequate clearance between any structures and electrical easements in accordance with NESC requirements.

 Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.

 Provide any revision to scheduling and magnitude of project power demand requirements for new loads.

All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

Required system upgrades will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

6. **DEPARTMENT OF PARKS AND RECREATION:**

We have reviewed the subject application submitted by authorized representatives, Richard J. Sana, Associate Planner, and John Sherman, Principal Engineer of AES Construction Co. Inc., on behalf of applicant, owner and developer, Guam Wanfang Construction Ltd.

The applicant proposes to build a 300-unit multi-family residential facility to be known as the Pago Bay Marina Resort. The "C" shaped single main building and twin tower concept structure will include a north end 15-story building and a south end 14-story medium rise residential tower that will be constructed on Lot 164-4NEW-1 that was originally part of Lot 155NEW-R1, of the Laguna Pago Bay Resort residential subdivision. Lot 164-4NEW-1, currently zoned "R-2," is vacant and undeveloped, and its irregularly shaped with the East side fronting Route 4, the North side fronting the Pago River, the West side fronting the Pago Bay beachside, and the South side is bounded by the Laguna Pago Bay Resort residential subdivision.

An Archaeological survey was conducted by MARC of the University of Guam, in 2008-2009, for the development of the Laguna Pago Bay Resort, which included portions of Lot 164-4NEW-1. The results of the survey included the findings of human remains, which have yet to be reburied in the area designated as the Reburial Monument site, as well as the completion of the Public Beach Access to the Ocean Shore that is required by law.

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Our review of the subject project's site map shows that the Reburial Monument site and the public beach access to the ocean shore will be encroached and compromised by the proposed Pago Bay Marina Resort. These two previous issues are of great concern to our Department and muct be taken into account before the application is approved by DPR and GLUC.

The archaeological survey report also indicated minimal tests were conducted in the proposed project location and that potential adverse effects to cultural properties may be present in Lot 164-4NEW-1 and in other area s affected by the development. Therefore, the developer must hire a qualified archaeologist to prepare an Archaeological Monitoring, Discovery, and Data Recovery Plan in consultation with our office. We recommend that Mr. Sana and Mr. Sherman schedule a meeting soon, with the appropriate DPR staff discuss the concerns raised.

Therefore, we do not recommend approval of the subject application until an agreement is forged to address and resolve the reburial of human remains and the public beach access to the ocean shore.

7. **DEPARTMENT OF PUBLIC WORKS:**

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the applicant's request with the following conditions:

VERTICAL/HORIZONTAL

- Incorporate eco-green and energy efficient as part of your design concept;
- Provide structural analysis for winds velocity that can withstand 17 mph;
- Outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment;
- Must provide a soil report and geology engineering report;
- Must provide a traffic impact analysis to be coordinated with DPW, Division of Highways (Traffic Control Section);
- Parking layout, parking stalls (compact standard and accessible stalls) must comply with the American Disability Act (ADA) requirements;
- Entrance/exit must be wide enough for public access;
- Must provide public access to the beach area; and
- Provide solid waste compositions.

DPW recommends approval subject to comments review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing including flood zone and ADA requirements.

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8. BUREAU OF STATISTICS AND PLANS:

The Bureau of Statistics and Plans (Bureau) completed its review of the application and provides the following comments.

- 1. Flood Zone. The applicant is advised that Lot 164-4NEW-1 is located in a flood zone. The Guam Resource Environmental Assessment Tool (GREAT) map viewer identifies this property in the Federal Emergency Management Agency (FEMA) flood zone high risk "A" indicating area with a 1 percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage. Furthermore, the wetland delineation study by ARC Environmental Services determined that the soils on the project site are classified as Inarajan Clay. The study further noted that Inarajan Clay soils are considered to have a high water table between the months of July and December. According to the Soil Survey of Guam (USDA, 1988), during the rainy period, these soils are saturated and are subject to flooding. The water table recedes during the dry period. Additionally, Policy NS-3 of the NCGLUP requires that development be planned to take into account natural constraints such as flood prone areas, steep terrain, unstable areas, faults, highly erodible soils. storm surge zones, and similar constraints. Developing around constraints minimizes design, construction costs, and risks while preserving capacity of natural systems to provide resource functions and services.
- 2. Zone Variance. The proposed project site is located in Yona. Surrounding land uses are predominantly single family residential units, multi-family dwellings, and agricultural uses. Single family and multi-family dwellings range from one to two stories in height. Commercial activities or buildings are nonexistent. Title 21 Guam Code Annotated, Real Property Ch. 61 Zoning Law, §61504 Statement of Purpose: Building and Building Height Restriction in Beach Areas, reads:
 - "(a) The Legislature finds that the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not

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compatible with private ownership of the lands adjoining said beaches.

(b) Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark. For the purpose of this section, the term, beach does not include those areas where the shoreline is a cliff or bluff higher than twenty-five feet (25'), nor shall it include those areas where the shoreline is bounded by village lots containing no more than a thousand (1,000) square meters in those villages wherein residences have been constructed along the shoreline since prior to the Second World War, and term building included any structure except a retaining wall that cannot be seen."

The Bureau finds that the proposed 15-story and 14-story residential towers exceed the height limit by 12 stories and 11 stories respectively and is not consistent with the legislative intent.

The Guam Coastal Management Program (GCMP) objectives and policies established by Executive Order 78-37 identifies Resource Policy 5 Visual Quality. The intent of this policy is to protect the quality of Guam's natural scenic beauty. The preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through the increased enforcement of and compliance with sign, little, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways, and trails.

The Bureau also conducted an evaluation and visual resource analysis through Google Earth and finds that the proposed project will obscure the view and scenic quality in Pago Bay. The estimated area affected is approximately .21 mile in length starting at 13° 25'10.71" N 144° 46'56.22" E Route 4 which proceeds north bound. The elevation at this point is 62 feet above sea-level with a gradual slope of about 4% in which both towers will over 150' will obstruct the line of sight as commuters descend through this primary southern thoroughfare.

3. Protection of Marine Waters. Enacted in 1974, the Guam Territorial Seashore Protection Act (21GCA63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas and sole source Northern Guam Lens Aquifer, and to protect the natural resources present there. The proposed 304 unit project directly fronts Pago Bay. The Bureau is concerned that the proposed construction project may trigger adverse effects in the bay if measures are not in

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place to control erosion and sedimentation from construction of the project. Controlling sedimentation from construction sites is a priority with regards to storm water controls and impacts to receiving water bodies within the project increases impervious surfaces in the form of rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume carrying pollutants into the bay and accelerating erosion.

The Bureau recommends Guam Wanfang Construction Ltd., to:

- a. Provide an open vegetated buffer between the shoreline and buildings in accordance with Policy NS-9 of the NCGLUP
- b. Employ erosion and sediment controls during construction of the 304-unit building to ensure that sedimentation is avoided and the debris are not allowed to fall and flow into the water. Best management practices include silt fencing may be found in the CNMI Guam Stormwater Management Manual, October 2006.
- c. Coordinated with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.
- 4. Wetlands. Guam Wanfang, Construction Ltd. Is advised to avoid clearing, grading and construction over the wetlands located in Lot 164-4NEW-1. According to the U.S. Environmental Protection Agency, wetlands are vital to the health of waterways and communities that are downstream. Wetlands feed downstream waters, trap floodwaters, recharge groundwater supplies, remove pollution, and provde fish and wildlife habitat. Moreover, a wetland study by ARC Environmental Services concluded that the project site comprises 2 acres of wetlands and that any construction or development activities should be planned to avoid encroaching into the wetland areas.
- 5. Stormwater Management. Stormwater management is a major factor in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation, increasing sediment loads, which impairs receiving coral reefs. The alteration of vegetated areas to buildings driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Although maps were included in the application such as the property map, site plan, elevation and landscaping plan, the application lacks a drainage plan showing methods and facilities for collection and disposal of stormwater on the property site. Discharge of stormwater into the Pago River and Pago Bay should be avoided to the fullest extent practicable. The Bureau recoomends the applicant to:

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- a. Submit a drainage plan showing methods or practices for managing stormwater on site.
- Implement best management practices on their property to control erosion and runoff during and after construction of the project in accordance with the CNMI Guam Stormwater Management Manual, October 2006, specifically in sections:
 - 2.1 Construction Stormwater Treatment Criteria and Standards;
 - 2.2 Post-Construction Stormwater Treatment Standards and Criteria;
 - 3.1 Erosion and Sediment Control for Construction Sites;
 - 3.2 Acceptable Post Construction BMPs.
- c. Consult with the Guam EPA for effective implementation of stormwater management practices.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for constrictors and site inspectors. An electronic version of the CNMI and Guam Stormwater Manual and field guide can also be obtained at the Guam EPA office or the Bureau.

6. Low Impact Development (LID). The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the used of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, sidewalks, and rooftops accelerate stormwater runoff. This property lies within the Pago River Frontal Watershed. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-Cap) Land Cover Atlas, impervious serfaces increased in this area by 9.77 percent from 2005 to 2011, while the total net loss of forest is -4.22 percent.

The applicant is encouraged to impelement LID practices such as permeable pavement for parking lots and walkways, grassed swales, island bio retention, and/or rain gardens into the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available at the Bureau's, Guam Coastal Management Program office.

7. Historic Preservation. To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation, Guam Historic Resources Division, especially if excavation is involved.

Continuation of Memorandum

Re: Summary of Position Statements - Application No. 2015-29

GLUC Hearing of February 25, 2016

Date of Preparation of this Memorandum: February 19, 2016

Page 13 of 14

- 8. Beach Access. The applicant is advised to ensure that beach access pre and post construction is not restricted in accordance to 21 GCA Real Property Ch. 65, Public Access to the Ocean Shore. The public's right of unrestricted access shall be ensured to all non-federally owned beach area and all Guam recreational areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private property for the provision of releasable access to and use of resources of public nature located on such land.
- 9. Invasive Species and Native Flora. The protection from invasive species is crucial in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged. Although the project identifies tropical landscaping on the property, the applicant is encouraged to incorporate native plants as well. The wetland delineation study states that there are native plants on the subject property including Hibiscus tiliaceus (pago tree) and Nipa frutican (nipa) along the southern bank of the Pago River. The applicant is advised to preserve native vegetation on the property. The applicant is also advised to consult with the Department of Agriculture's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks.
- 10. Landscaping. The Bureau advises the applicant to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the Pago River and Pago Bay. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

In light of the points listed above, the Bureau finds that activities of the proposed construction of a 15-story and 14-story residential towers directly adjoining nearshore waters can create additional stress on coral reefs and marine ecosystems if measures are not in place to manage stormwater and control erosion and sediment on site. Moreover, the application lacks sufficient information identifying methods and facilities for collection and disposal of stormwater on site. Therefore, should this application be approved, the Recommends that the applicant, Guam Wanfang Construction, Ltd. Comply with the above listed recommendations.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety and to promote the public welfare and convenience. We further encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

Re: Summary of Position Statements - Application No. 2015-29

GLUC Hearing of February 25, 2016

Date of Preparation of this Memorandum: February 19, 2016

Page 14 of 14

EX-OFFICIO MEMBERS

9. DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES:

No Position Statement has been received as of the date of this Memorandum of February 18, 2016.

10. GUAM FIRE DEPARTMENT:

No Position Statement has been received as of the date of this Memorandum of February 18, 2016.

11. GUAM ECONOMIC DEVELOPMENT AUTHORITY:

No Position Statement has been received as of the date of this Memorandum of February 18, 2016.

12. GUAM PUBLIC SCHOOL SYSTEM:

No Position Statement has been received as of the date of this Memorandum of February 18, 2016.

13. DEPARTMENT OF CHAMORRO AFFAIRS:

No Position Statement has been received as of the date of this Memorandum of February 18, 2016.

Marvin Q. Aguilar Chairman, ARC

Case Planner: Celine Cruz



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO GOVERNOR OF GUAM RAY TENORIO LT. GOVERNOR OF GUAM ERIC M. PALACIOS ADMINISTRATOR

YVETTE CRUZ
DEPUTY ADMINISTRATOR

P.O. BOX 22439 BARRIGADA, GU 96921

EPA.GUAM.GOV

MEMORANDUM

DATE:

February 17, 2016

TO:

Executive Secretary, Guam Land Use Commission

Chairman, Guam Land Use Commission

FROM:

Administrator

SUBJECT:

Zone Variance Application (Application No. 2015-29)

300 Residences with Accessory Uses Within A 15-Story Building

& A 14-Story Building In an "R-2" Zone

Lot 164-4NEW-1, Yona, Guam

The Guam Environmental Protection Agency completed its review of the subject application, to approve a Zone Variance for Height and a 300 Residences with Accessory Uses Within A 15-Story Building & A 14-Story Building In an "R-2" Zone, and submits the following:

1. General

The Agency recognizes the rationale to construct the proposed residential buildings to alleviate the growing demands of housing relative to the anticipated population growth.

However, this Agency is also cognizant of the potential impacts to the aged and inadequate infrastructures (water, sewer, stormwater management system) serving the area and neighboring community.

2. Storm Water Disposal Management Plan:

A. Conclusion:

a. There are no design and hydraulic calculations for the proposed stormwater management plans to ensure proper storage and discharge of stormwater runoff, which will be generated after full development of the property. A soil investigation and percolation test must be conducted to determine the rate of percolation.



b. The water table is a major setback in designing an effective drainage system. The EIA short form (item 9) indicates that the type of soil within the proximity and footprint of the project is considered to have a high water table, which could limit the capability of stormwater percolation and settlement.

B. Recommendation:

- c. Conduct a comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a stormwater management plan.
- d. Comply with the requirements of the 2006 Guam-CNMI and Guam Stormwater Management Manual and provide a pre-treatment.

3. Wastewater System

A. Conclusion:

- a. The proposed sewer connection is an existing stub-out that was provided from the 98 single-family residences (Pago Bay Resort) on Lot 155-NEW-R1, GLUC application No. 2007-84 and was approved on March 14, 2008.
- b. In this same application, GWA is requiring that the applicant generate wastewater calculations on the Pago Double Shaft and New Chaot Sewer Pump Stations to determine the reserve capacity required to accommodate the proposed wastewater load.
- c. GWA advised the applicant that the gravity sewer lines on Route 4, downstream of the new Chaot SPS termination manhole and on Route 1, are at capacity.
- d. GWA notes: "Until projects are implemented to upgrade [these] areas, this subdivision (Pago Bay Resort) will be unable to connect to the sewer."
- e. According to GWA (on March 13, 2008): a review to determine specific requirements for these areas is in progress, no detailed recommendation have been made as to requirements for upgrading them.
- f. Further, GWA notes: "Any upgrade of the downstream facilities must be completed prior to the connection of the subdivision (Pago Bay Resort), whether the financial responsibility is determined to be that of GWA or the developer."
- g. The consumer density of the facility being considered is three (3) times (300 units) larger than the Pago Bay Resort where the above comments were based. The full occupancy is much sooner than the resort due to the type of development.

B. Recommendation:

- a. Applicant must submit the results of the aforementioned studies and provide information on any projects completed in support of the application.
- b. The sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during non-peak hours.
- c. The proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station.
- d. Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location.
- h. The wastewater pump station requires a certified operator to operate for compliance with the 10 GCA Chapter 52, the "Water and Wastewater Operator's Mandatory Certification Act."
- i. Pumping of sewage to GWA's gravity main must be scheduled during non-peak hours.

4. Water System:

A. Conclusion:

- a. The proposed connection is at the existing Pago Bay Resort is supplied after the GWA Pago Bay Booster Pump.
- b. The required Maximum Daily Demand is 172,800 Gallon per day, which is equivalent to the production of a 100-GPM water well.
- c. The project is at the lowest elevation, therefore all available water in the distribution pipes could be exhausted by this facility, and customers at higher elevations could be impacted with low to no water pressures.

B. Recommendation:

- a. The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow.
- b. The water point of connection must be before the Pago Booster station to conserve energy.

c. Non-potable water for landscape and other non-domestic used must be explored by collecting rainwater.

5. Others

- a. Wetland area must be protected and a buffer of 30 feet must be maintained.
- b. The project must comply with all the requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e., Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.)

Should you have questions or need additional information, please contact Mr. Angel Marquez, Acting Chief Engineer, at (671) 300-4796; or e-mail: angel.marquez@epa.guam.gov.

Senseramente,

ERIC M. PALACIOS

CC: BSP

GWA

DPW

DPR



Ray Tenorio

Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

Director's Office Agricultural Development Services Plant Nursery Aquatic & Wildlife Resources Forestry & Soil Resources Plant Inspection Station 300-7970 / 7969 / 7966 300-7973 / 7972 / 7967 300-7974 735-3955/56; Fax 734-6570 300-7975/6 475-1426/27; Fax 477-9487 300-7965 Fax 734-6569



Matthew L.G. Sablan Director

Jessie B. Palican Deputy Director

February 17, 2016 Memorandum

To:

Director, Department of Land Management

Attn:

Executive Secretary, Guam Land Use Commission and Guam Seashore

Protection Commission

Animal Health

From:

Director of Agriculture

Subject:

"Agricultural/Environmental and Seashore Clearance" Impact Statement on Lot 164-4NEW-1Located off of Rte. 4 in Yona. (Guam Wangfang

Construction Ltd.)

Agriculture has reviewed the subject lot for a "Zone Varience" request and does not oppose the development provided the following conditions and concerns are met to prevent major ecological damage, to include wetlands, endangered species, coastal erosion concerns, protected indigenous flora and fauna. Our agency will require during the permitting process to obtain a clearing, grading and building permit that the following concerns are addressed before any future earthen work activity is performed.

As mentioned above during the application for permits to construct in order for the Department of Agriculture to approve the permit we will also require a recent "Biological Survey" to determine that no protected indigenous flora and fauna that have recently been listed on the <u>Federal Endangered Species List</u>" is affected by the development. Should the consultant find such species in the area they must be protected by either leaving in place and no development occurs in the area or can be relocated to a section of the property where development is restricted to a "green zone" meaning that a portion of the property will be kept in an original state such as the wetland and river habitat that will be left so that these endangered and indigenous species can thrive and live.

The wetland points identified with your consultant ARC Environmental during the inspection of the lot located closest to the river system must be identified through signs and markers to ensure that no encroachment by heavy equipment and other machinery takes place.

It is also important to maintain an appropriate buffer zone between the proposed development and this river/wetland habitat to add further protection of this area. Be aware that along this river system strands of the Nipa palm (Nypa fruticans) are within government jurisdiction and can not be harvested as they provide protection of the river system by preventing erosion into this area.

Due to the proximity to Guam's coastal shoreline it is required that any such development along these areas incorporate <u>Best Management Pracitces</u> and <u>Mitigation controls</u> to ensure that no erosion of any fill material or dredge is allowed to enter into these protected areas. Silt screens and other erosion control measures must be erected and maintained throughout the entire period of development. The silt screens should be installed in a 2 to 3 tier system to provide double and triple layer protection and erosion control should heavy inundation and land slides occur. The screens must be installed properly to ensure they prevent any material from flowing below the skirt and washing away. During any activity requiring the use of heavy equipment and other machinery or materials that use any fuels or industrial applications of chemicals they must not be done near the coastal, river and wetland zones. Any such activity must be done at an approved OSHA site that contains the proper systems to catch any spillage and leakage. Signs must also be posted to notify persons working on the project site that these activities are prohibited. Be aware that our agency may impose fines and penalties should any destruction and contamination of these areas occur.

Agriculture recommends that the developer include a comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees. As Guam looses native habitat to increased development it is imperative that any future development replace and preserve these species that provide a valuable resource that protects important ecological habitat and the "Northern Aquifer" the primary source of drinking water for the island. As these trees disappear the function they perform in preventing erosion and filtering contaminants from entering the aquifer and coastal systems is lost. By replanting and ensuring that a healthy strand of these trees are in place the developer takes an important step in protecting our resources. In addition to these benefits of a landscaping plan the trees will also provide windbreak capabilities, shading, filtration system, habitat for indigenous and migratory species of birds and the overall aesthetic visual improvement appeal rather than just a concrete jungle.

Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact Justin Santos and Christine Fejeran at 300-7976/7 for assistance and consultation at 300-7976. For assistance in using fruit and ornamental tree species contact our Agricultural Development Services where we maintain an Organic and Environmental Demonstration Farm that showcases proper erosion control measures using trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.

For concerns with the Coastal and Wetland zones on or near the property consult our Division of Aquatic and Wildlife Resources for guidance and procedures.

For other questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN

Director



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913 DEC 1 1 2015
Department of Land Management
Time 1 2015

MEMORANDUM

November 23, 2015

TO:

Director, Department of Land Management

FROM:

Greg P. Cruz, Acting General Manager

SUBJECT:

Position Statement on Zone Variance Application No. 2015-29 for Lot 164-4NEW-1, in an "R2" (Multi-family Dwelling)

zone, in the Municipality of Yona.

APPLICANT:

Wanfang Construction, Ltd.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for height/density variance for the proposed construction of a 300 unit multi-storey, multi-family building (Pago Bay Marina Resort), on Lot 164-4NEW-1, in an "R2" (Multi-family Dwelling) zone in the Municipality of Yona.

This memorandum shall serve as GWA's position statement to the above zone variance request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the zone variance application:

Page 2
GWA Position Statement
ARC Application No. 2015-29
Applicant: Wanfang Construction, Ltd.

- GWA recommends coordination with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements.
- Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.
- 3. The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.
- 4. If water and sewer infrastructure facilities are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.
- 5. The applicant shall install the water meters in the right of way or easement.
- If the development will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for nonresidential activities.
- 7. New development is subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact the GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, Permits and New Area Development Supervisor, at 300-6054.



GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977 FEB 1 1 2015

February 2, 2016

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 164-4New-1, Municipality of Yona, (Guam Wangfang Construction, Ltd.); Height

Variance Application to build a 300 unit multi-story, multi-family building. Application

No. 2015-29

Guam Power Authority has reviewed the application described above and submits the following position statement relative to the Height Variance Application for a 300 unit building (Pago Bay Marina Resort) in an R-2 zone. The applicants also presented a preliminary demand load calculation sheet with a Total Project Demand Load of 3,759KVA.

GPA has performed its system impact analysis of the existing electrical infrastructure and the response to the addition of the Pago Bay Marina Resort. GPA has determined that significant infrastructure upgrades, that includes but is not limited to, switches, voltage regulators, load transfers and capacitor banks must be completed in order to support this project. GPA is also investigating the line extension of feeder P-211 to support the Pago Bay Marina Resort as a permanent solution.

Consequently, the infrastructure upgrades, at a minimum of those referenced above, shall be completed prior to final service connection of Pago Bay Marina Resort.

A. Comments and Recommendations Concerning GPA requirements:

- Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide any revisions to scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, are 100% chargeable to the applicant
 including but not limited to labor and materials.
 - Required system upgrades will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities.
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

JOHN M. BENAVENTE, P.E

11

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority
Applicant: Guam Wangfang Construction, Ltd
Location: Lot 164-4New-1, Municipality of Yona
Type of Application: Height Variance Application

GLUC/GSPC Application No. 2015-29

Brief Project Description:

300 unit multi-story, multi-family building

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

l.	I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes No			
 If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project: 				
	Yes ☐ No ⊠			
3.	If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently			

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below			11	

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E. General Manager 2/10/16

Comments:

Based on a preliminary inspection of the site, the electrical facilities <u>will</u> require upgrading to meet the demand of the proposed project. Further system impact assessment may be required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



Eddie Baza Calvo

Ray Tenorio Lt. Governor

Department of Parks and Recreation Government of Guam

490 Chalan Palasyo Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7 Facsimile: (671) 477-0997

Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 4

Facsimile: (671) 477-2822

Robert S. Lizama Director

> illiam N. Reyes Deputy Director

4 2016

Department of Land Manageme

Time 9: 30 Intl 1981

In reply refer to: RC2015-0927 cr: RC2007-1507

December 23, 2015

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on DLM Application 2015-29: Zone Variance for Height

and Density for Pago Bay Marina Resort, Lot 164NEW-1, Yona, Guam

We reviewed the subject application submitted by authorized representatives, Richard J. Sana, Associate Planner, and John Sherman, Principal Engineer of AES Construction Co. Inc., on behalf of applicant, owner and developer, Guam Wangfang Construction Ltd.

The applicant proposes to build a 300 unit multi-family residential facility to be known as the Pago Bay Marina Resort. The "C" shaped single main building and twin tower concept structure will include a north end 15-story building and a south end 14-story medium rise residential tower that will be constructed on Lot 164-4NEW-1 that was originally part of Lot 155NEW-R1 of the Laguna Pago Bay Resort residential subdivision. Lot 164-4NEW-1, currently zoned "R-2," is vacant and undeveloped, and is irregularly shaped with the East side fronting Route 4, the North side fronting the Pago River, the West side fronting the Pago Bay beachside, and the South side is bounded by the Laguna Pago Bay Resort residential subdivision.

An Archaeological survey was conducted by MARC of the University of Guam, in 2008-2009, for the development of the Laguna Pago Bay Resort, which included portions of Lot 164-4NEW-1. The results of the survey included the findings of human remains, which have yet to be reburied in the area designated as the Reburial Monument site, as well as the completion of the Public Beach Access to the Ocean Shore that is required by law.

Our review of the subject project's site map shows that the Reburial Monument site and the public beach access to the ocean shore will be encroached and compromised by the proposed Pago Bay Marina Resort. These two previous issues are of great concern to our Department and must be taken into account before the application is approved by DPR and GLUC.

The archaeological survey report also indicated minimal tests were conducted in the proposed project location and that potential adverse effects to cultural properties may be present in Lot 164NEW-1



DPR Position Statement Pago Bay Marina Resort Lot 164NEW-1, Yona, Guam December 23, 2015

and in other areas affected by the development. Therefore, the developer must hire a qualified archaeologist to prepare an Archaeological Monitoring, Discovery, and Data Recovery Plan in consultation with our office. We recommend that Mr. Sana and Mr. Sherman schedule a meeting soon, with the appropriate DPR staff to discuss the concerns raised.

Therefore, we do not recommend approval of subject application until an agreement is forged to address and resolve the reburial of human remains and the public beach access to the ocean shore.

Should you require clarification or additional information please call us.

Robert S. Lizama

Acting

Cc: John K. Sherman, PE, AES Construction Co., Inc.

Richard J. Sana, Associate Planner.

(c/o FC Benavente, Planners, Tel: 988.7911)



The Honorable

Eddie Baza Calvo

Governor

The Honorable Ray Tenorio Lieutenant Governor



October 28, 2015

MEMORANDUM

TO:

Director, Department of Land Management

FROM:

Director

APPLICATION:

2015-29

APPLICANT(s)

Guam Wanfang Construction, Ltd.

SUBJECT:

Zone Variance (Height/ Density)

Lot Nos. 155NEW and 164-4NEW-1 within an "R-2" Zone, Yona

Buenas yan Hafa Adai!

The applicant, Guam Wanfang Construction, Ltd., propose to build a 300 unit multi-family residential facility to be known as Pago Bay Marina Resort. The Resort will provide a full range of amenities to include a health spa, indoor/outdoor coffee shop, retail store, restaurant and a function area. The "C" shaped single building structure will include a 15 storey, at the north end side and in the south end, a 14 storey medium rise residential tower. The single main building and twin tower concept, level provides a greater open space on the ground and leaves the sensitive wetland and riverine shore land untouched. The wetland is located within the property, encompasses 32% of the project site. Parking for vehicles as well as buses will be provided in the basement, surface level, residential amenities will be provided in ground level. Outdoor amenities includes fresh water swimming pool, waterpark, sun decks, walking and jogging pathway, Pago River and Pago Bay views, including abundant landscaping along Route 4 and throughout the property. The property is vacant and undeveloped and is irregular in shape and has a total area of 6.87 acres or 299,505 square feet.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the applicant's request with the following conditions:

VERTICAL/ HORIZONTAL

- incorporate eco-green and energy efficient as part of your design concept;
- provide structural analysis for winds velocity that can withstand 170 mph;
- outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment;

- must provide a soil report and geology engineering report;
- must provide a traffic impact analysis to be coordinate with DPW, Division of Highways (Traffic Control Section);
- parking lay out, parking stalls (compact standard and accessible stalls) must comply with the American Disability Act (ADA) requirements;
- entrance / exit must be wide enough for public access;
- must provide public access to the beach area; and
- provide solid waste compositions

DPW recommends approval subject to comments review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing including flood zone and ADA requirements.

If you have any questions, please call John F. Calanayan, Acting Engineer In - Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

Eddie Baza Calvo Governor of Guam



Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812



William M. Castro Director James T. McDonald Deputy Director

Ray Tenorio Lieutenant Governor

NOV 30 2015

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Director, Bureau of Statistics and Plans

SUBJECT: Position Statement on Application No. 2015-29 Applicant: Guam Wangfang Construction, Ltd.

Location: Yona, Guam; Lot 164-4NEW-1

Purpose: Construction of 304 Residences with Accessory Uses in a 15-

Story Building and 14-Story Building

The applicant, Guam Wangfang Construction, Ltd. represented by Richard J. Sana of FC Benavente Planners, requests a zone variance for density and height to construct 300 residential units plus four (4) caretaker units within a 15-story and 14-story building named Pago Bay Marina Resort. The project proposes a full range of amenities including a health spa, an indoor and outdoor coffee shop, a restaurant, a retail shop, and function rooms. The C-shaped building will include a north end 15-story, and a south end 14-story residential towers. Outdoor amenities will include freshwater swimming pools, a water park, sun decks, and walking and jogging pathways. The proposed project will target offisland clientele who will be residing on a non-permanent basis. Although the application did not identify the actual height of the 15-story and 14-story residential towers, Mr. John Sherman, Principal Engineer stated that the building is approximately 178 feet from the top of the elevator shaft.

Located in an R-2 zone (multi-family residential) in the municipality of Yona, Lot 164-4NEW-1 comprises 6.87 acres or 27.825 square meters of vacant property and is directly bordered by Route 4, Pago River, Pago Bay and a residential subdivision. Surrounding land uses are predominantly single family residential units, multi-family dwellings, and agricultural uses. The property also comprises approximately two acres of wetlands, native vegetation including Hibiscus tiliaceus (pago tree) and Nypa frutican (commonly known as nipa) forest along the southern bank of the Pago River.

The Bureau of Statistics and Plans (Bureau) completed its review of the application and provides the following comments.

1. Flood Zone. The applicant is advised that Lot 164-4NEW-1 is located in a flood zone. The Guam Resource Environmental Assessment Tool (GREAT) map viewer identifies this property in the Federal Emergency Management Agency (FEMA) flood zone high risk "A" indicating areas with a 1 percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage.

Furthermore, the wetland delineation study by ARC Environmental Services determined that the soils on the project site are classified as Inarajan Clay. The study further noted that Inarajan Clay soils are considered to have a high water table between the months of July and December. According to the Soil Survey of Guam (USDA, 1988), during the rainy period, these soils are saturated and are subject to flooding. The water table recedes during the dry period.

Additionally, Policy NS-3 of the NCGLUP requires that development be planned to take into account natural constraints such as flood prone areas, steep terrain, unstable areas, faults, highly erodible soils, storm surge zones, and similar constraints. Developing around constraints minimizes design, construction costs, and risks while preserving capacity of natural systems to provide resource functions and services.

2. Zone Variance. The proposed project site is located in Yona. Surrounding land uses are predominantly single family residential units, multi-family dwellings, and agricultural uses. Single family and multi-family dwellings range from one to two stories in height. Commercial activities or buildings are nonexistent.

Title 21 Guam Code Annotated, Real Property Ch. 61 Zoning Law, §61504. Statement of Purpose: Building and Building Height Restriction in Beach Areas, reads:

"(a) The Legislature finds that the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches.

-BSP Position Statement ARC: ZV 2015-29 Page 3 of 6

(b) Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark. For the purpose of this section, the term, beach does not include those areas where the shoreline is a cliff or bluff higher than twenty-five (25'), nor shall it include those areas where the shoreline is bounded by village lots containing no more than a thousand (1,000) square meters in those villages wherein residences have been constructed along the shoreline since prior to the Second World War, and term building included any structure except a retaining wall that cannot be seen."

The Bureau finds that the proposed 15-story and 14-story residential towers exceed the height limit by 12 stories and 11 stories respectively and is not consistent with the legislative intent.

The Guam Coastal Management Program (GCMP) objectives and policies established by Executive Order 78-37 identifies Resource Policy 5 Visual Quality. The intent of this policy is to protect the quality of Guam's natural scenic beauty. The preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways, and trails.

The Bureau also conducted an elevation and visual resource analysis through Google Earth and finds that the proposed project will obscure the view and scenic quality in Pago Bay. The estimated area affected is approximately .21 mile in length starting at 13° 25'10.71" N 144° 46'56.22"E Route 4 which proceeds north bound. The elevation at this point is 62 feet above sea-level with a gradual slope of about 4% in which both towers well over 150' will obstruct the line of sight as commuters descend through this primary southern thoroughfare.

3. Protection of Marine Waters. Enacted in 1974, the Guam Territorial Seashore Protection Act (21 GCA63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas and sole source Northern Guam Lens Aquifer, and to protect the natural resources present there. The proposed 304 unit project directly fronts Pago Bay. The Bureau is concerned that the proposed construction project may trigger adverse effects in the bay if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site, which includes Pago Bay. Moreover, the proposed project increases impervious surfaces in the form of rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume carrying pollutants into the bay and accelerating erosion.

The Bureau recommends Guam Wangfang Construction, Ltd. to:

a. Provide an open vegetated buffer between the shoreline and buildings in accordance with Policy NS-9 of the NCGLUP.

- b. Employ erosion and sediment controls during the demolition of the existing duplex and during construction of the 304-unit building to ensure that sedimentation is avoided and the debris are not allowed to fall and flow in the water. Best management practices including silt fencing may be found in the CNMI Guam Stormwater Management Manual, October 2006.
- c. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.
- 4. Wetlands. Guam Wangfang Construction, Ltd. is advised to avoid clearing, grading and construction over the wetlands located in Lot 164-4NEW-1. According to the U.S. Environmental Protection Agency, wetlands are vital to the health of waterways and communities that are downstream. Wetlands feed downstream waters, trap floodwaters, recharge groundwater supplies, remove pollution, and provide fish and wildlife habitat. Moreover, a wetland study by ARC Environmental Services concluded that the project site comprises 2 acres of wetlands and that any construction or development activities should be planned to avoid encroaching into the wetland areas.
- 5. Stormwater Management. Stormwater management is a major factor in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation, increasing sediment loads, which impairs receiving coral reefs. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Although maps were included in the application such as the property map, site plan, elevation and landscaping plan, the application lacks a drainage plan showing methods and facilities for collection and disposal of stormwater on the property site.

Discharge of stormwater into the Pago River and Pago Bay should be avoided to the fullest extent practicable. The Bureau recommends the applicant to:

- a. Submit a drainage plan showing methods or practices for managing stormwater on site.
- b. Implement best management practices on their property to control erosion and runoff during and after construction of the project in accordance with the CNMI Guam Stormwater Management Manual, October 2006, specifically in sections:
 - 2.1 Construction Stormwater Treatment Criteria and Standards;

- 2.2 Post-construction Stormwater Treatment Standards and Criteria;
- 3.1 Erosion and Sediment Control for Construction Sites;
- 3.2 Acceptable Post-Construction BMPs.
- c. Consult with the Guam EPA for effective implementation of stormwater management practices.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors. An electronic version of the CNMI and Guam Stormwater Manual and field guide can also be obtained at the Guam EPA office or the Bureau.

6. Low Impact Development (LID). The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, sidewalks, and rooftops accelerate stormwater runoff. This property lies within the Pago River Frontal Watershed. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, impervious surfaces increased in this area by 9.77 percent from 2005 to 2011, while the total net loss of forest is -4.22 percent.

The applicant is encouraged to implement LID practices such as permeable pavement for parking lots and walkways, grassed swales, island bioretention, and/or rain gardens into the landscaping design as a means to reduce runoff and control erosion from their property. One such practice could be incorporating a rain garden in the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available at the Bureau's, Guam Coastal Management Program office.

- 7. Historic Preservation. To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation, Guam Historic Resources Division, especially if excavation is involved.
- 8. Beach Access. The applicant is advised to ensure that beach access pre and post construction is not restricted in accordance to 21 GCA Real Property Ch. 65, Public Access to the Ocean Shore. The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Gum recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private property for the provision of releasable access to and use of resources of public nature located on such land.

- 9. Invasive Species and Native Flora. The protection from invasive species is crucial in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged. Although the project identifies tropical landscaping on the property, the applicant is encouraged to incorporate native plants as well. The wetland delineation study states that there are native plants on the subject property including Hibiscus tiliaceus (pago tree) and Nypa frutican (nipa) along the southern bank of the Pago River. The applicant is advised to preserve native vegetation on the property. The applicant is also advised to consult with the Department of Agriculture's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks.
- 10. Landscaping. The Bureau advises the applicant to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the Pago River and Pago Bay. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

In light of the points presented above, the Bureau finds that activities of the proposed construction of a 15-story and 14-story residential towers directly adjoining nearshore waters can create additional stress on coral reefs and marine ecosystems if measures are not in place to manage stormwater and control erosion and sediment on site. Moreover, the application lacks sufficient information identifying methods and facilities for collection and disposal of stormwater on site. Therefore, should this application be approved, the Bureau recommends that the applicant, Guam Wangfang Construction, Ltd. comply with the above listed recommendations.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

VILLIAM M. CASTRO

cc: GEPA

DPW

GWA

DPR GPA

DOAG

ATTACHMENT A MARCH 10, 2016

(CONTINUATION OF FEBRUARY 25, 2016 GLUC HEARING)

ATTACHMENT A



DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

March 9, 2016

Memorandum

TO:

Chief Planner

FROM:

Case Planner

SUBJECT: Additional information received to date

RE: Zone Variance Application 2015-29 Guam Wanfang Construction, Ltd.

At its regular meeting on February 25, 2016, the Guam Land Use Commission (GLUC) began its review and discussion of the above referenced application. The chairman called for a recess with the intent to resume on March 10, 2016 at 1:30PM. The recess was to allow the applicant to respond to questions and concerns raised during the public comment period, as well as inquiries of the commission to include the following:

- a) To address issues attached to the mother lot, review of the original Notice of Action to ensure compliance.
- b) A study to determine the potential impacts to water pressure as members of the community stated there was low water pressure.
- c) Water demand calculation for the entire project to include all recreational facilities requiring the use of water.
- d) Sewer pump design, utility calculations to determine impacts. GWA stated they needed water demand and sewer production (calculations) and on-site utilities and information on how the towers will connect the infrastructure that serves the Laguna Estates and how everything will come together to eventually support both projects.
- e) Request for a traffic study to determine the impact from this project, and to confirm or update the traffic study done in 2008.

At the request of the applicant's representatives, a meeting was held on March 3, 2016 with planning staff to discuss how concerns will be addressed at the GLUC meeting continuance. From our understanding of the meeting, the applicant's representatives have begun coordination with the appropriate government entities to commence requested studies (traffic, impacts to sewer pump station).

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagâtña, GU 96932



E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)





Additional Information RE: Zone Variance Application 2015-29 Guam Wanfang Construction, Ltd.
Page 2 of 2

Attached are letters received since the GLUC meeting held on February 25, 2016, inclusive of Resolution 16-10 from the Yona Municipal Planning Council. Also attached is the supplemental information submitted by the applicant's representatives at the GLUC meeting of February 25, 2016.

Celine L. Cruz

Cristina Gutierrez

From: Sent: Chad Bruch [chad.bruch@me.com] Tuesday, March 08, 2016 6:58 PM

To:

Cristina Gutierrez

Subject:

Phase 3 Pago Bay Marina Resort Opposition

Follow Up Flag: Flag Status:

Follow up

Hafa Adai.



On behalf of myself, Chad Bruch and my family I would like to provide my opposition to the proposed height and density variance request by the Guam Wangfang Group in conjunction with the Phase 3 Pago Bay Marina Resort.

I have been living on Guam since 2009. It has taken my wife and I several years of patience to find an ideal location to build our dream house. We chose Pago Bay for the beauty and preserved landscape. We are nearing completion of our home on Chalan Inda, adjacent to the Munas compound. The views are breathtaking. In my mind it is the best scenery on Guam. To have this view occupied by a residential high rise would be a shame. Developer's have good intentions but it seems to too often that their plans never come through and the residence are left with an eye sore. This would be another tragedy if the land is disturbed and another half completed development is left. The Pago Bay Laguna Resort has not fulfilled the intentions of was most likely proposed to Guam Land and Development. Ladera Tower is another tower that was initially hotel with views of Pago Bay that never fulfilled its potential. There is a pattern with Pago Bay that we should not jeopardize again.

I am not opposed to proper development. Please consider height limits and location before allowing the Guam Wangfang Group to build. There are other coves and hidden gems that can be used. Selecting a property dead center of the bay would be the point of no return to Pago Bay. There are other locations that would be less of a focal point to a beautiful bay. Or consider a much lower skyline that will not be seen by many of the local residence.

It is my request that this request be denied in order to preserve this bay from high rise development. Your consideration in this mater and my request to opposed this height and density application is greatly appreciated.

Best Regards,

Chad Bruch chad.bruch@me.com 988-9435

Cristina Gutierrez

From:

Jonathan Johnson [tonjohnson@gmail.com]

Sent:

Tuesday, March 08, 2016 2:42 PM

To:

Cristina Gutierrez

Subject:

Phase 3 Pago Bay Marina Resort Opposition

Follow Up Flag: Flag Status:

Follow up Flagged

To whom this may concern:

Hafa Adai!

On behalf of myself, Jonathan Johnson, I would like to provide my opposition to the proposed height and density variance request by the Guam Wangfang Group in conjunction with the Phase 3 Pago Bay Marina Resort.

I have lived in Pago Bay for over 10 years at 141A Chalan Tasi Road. Pago Bay is a quiet residential community that has remain undisturbed and blends perfectly into the natural rolling hills and coastal surroundings. Phase 1 and 2 of the Pago Bay Laguna Resort was unfortunately an eye sore to Pago Bay for many years due to removal of top soil and lush green vegetation. It remains an unrealized development with undeveloped vacant lots. Time will tell if this project will gain momentum? It remains an eye sore and disturbs the natural surroundings of Pago Bay.

Phase 3 will only add to the continual disturbance of the natural beauty Pago Bay has to offer. Twin towers at the center of Pago Bay will destroy what Pago Bay has stood for, a quiet coastal community. I am not opposed to commercial development as it can add value to property, if done responsible. Because Pago Bay, in itself is residential in nature and offers a more natural non-commercial perspective I feel a good compromise is commercial development restricted to low-rise structures. In other parts of the world, such as Bali, their government requires that natural surroundings take priority over tall commercial development. Pago Bay already maintains that natural island appeal with the absence of tall commercial structures.

The acceptance of this height and density variance will undoubtedly result in further applications from other developers and forever change Pago Bay and the view we have enjoyed and preserved.

It is my personal view that this request be denied in order to preserve this bay from high rise development. Your consideration in this mater, and my request to opposed this height and density application, is greatly appreciated.

Sincerely Yours,

Jonathan Johnson

Chairman

Committee on Guam U.S. Military Relocation, Public Safety & Judiciary

Vice Chairman

Committee on
Appropriations & Adjudication
Member
Federal, Foreign & Micronesian

Affairs, Human & Natural Resources,

Election Reform & Capitol District

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Senator Frank B. Aguon, Ir.

I MINA' TRENTAI TRES NA LIHESLATURAN GUÀHAN | 33rd GUAM LEGISLATURE

Member

Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs & Procurement Member

Finance & Taxation, General Government Operations & Youth Development Member

Early Learning, Juvenile Justice, Public Education & First Generation Initiatives

March 08, 2016

Mr. John Z. Arroyo Chairman

Guam Land Use Commission (formerly Territorial Land Use Commission)
Sent via Hand Delivery and Email: cristina.gutierrez@land.guam.gov

Dear Chairman Arroyo:

Buenas yan Hafa Adai! As you may know, applicant Wang Fang Construction, Ltd., has submitted an application to the Guam Land Use Commission (GLUC) requesting a Height and Density variance report be conducted for the proposed construction of a three hundred four (304) multi-family, two-tower structure referred to as the "Pago Bay Mariana Resort."

It has come to my attention that residents and members of the Yona Municipal Planning Council and the Chalan Pago Municipal Planning Council have expressed opposition to the current application of the Pago Bay Mariana Resort. I would like to bring to your attention the possible course of action from these residents— a citizens' initiative to be placed on the November 2016 ballot and the consideration of the Southern Development Masterplan— which should be consulted for any future Southern developments.

I realize fully that there are entrenched development interests who would oppose this type of initiative suggested by the Yona and Chalan Pago municipalities. However, as a resident of Yona and as an elected official to the people of Guam, I believe that our people are frustrated with developments that neglect to listen to them—residents who will be mostly impacted.

Thus, I am writing to the GLUC to suspend any further discussion and any future decisions on the application for a Pago Bay Mariana Resort, until the residents of both municipalities have been afforded the opportunity to further express their position with the proposed development.

Your timely approval with this matter is greatly appreciated. Please feel free to contact me via phone at (671) 475-4861/2, or via email at aguon4guam@gmail.com, should you find any need for further clarification in this matter. I look forward to your favorable response.

Un Dangkolo Na - Yu'us Ma'åse'!

SENATO FRANK AGUON, IR.

Computee Chairma on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Michael Borja

From:

Howard Mesa < howard_mesa@yahoo.com>

Sent: Monday, March 07, 2016 9:16 AM

To:

Michael Borja

Cc: Subject: Celine Cruz; Marvin Aguilar Pago Bay Marina Resort

Good day Mr. Borja,

I am a resident of Yona and I oppose of the project. As a resident of Yona, I have seen the development of many homes and communities in the Pago Bay Area and traffic congestion has always been an issue during times of construction, road expansion, or even if there is an accident. Yona is limited to the amount of available access to the northern parts of Guam and I believe this project will make things worst for common commuters passing through the area and also causing a lot of inconvenience. Thank you for your time.

V/r,

Howard Mesa

Sent from Yahoo Mail on Android

RECEIVED

3. 8-2016

PLANSHING

Michael Borja

From: Sent: Eugene Mesa <eugenemesa@hotmail.com>

Sunday, March 06, 2016 4:38 PM

To:

Cc: Subject: Michael Borja Celine Cruz; Marvin Aguilar Re: Pago Bay Marina Resort MS 3/8

MAR 0 8 2015

Hafa Adai Mr. Borja,

I am a current resident of Yona and commute to work everyday via Route 4 Chalan Kanton Tasi and have seen the traffic increase over the years and would hate to see it get even worse with this proposed subject project. Every weekday morning, around rush hour time, there is a long line of cars from St. Francis Church in Yona all the way to the Chalan Pago/Mangilao traffic light intersection. I highly oppose this project but definitely would not like to see the variance requested by the developer be granted by the GLUC. I understand that it is their right as property owners to develop the property, but I don't see why a building height and density variance should be granted or let alone be considered. I can only speak for myself but I know for a fact that the majority of the people of Yona are opposed this project but maybe only a handful or so may be for Please print this email as my formal testimony in opposition of the subject project and forward to the GLUC prior to their final decision on granting the variance. Thank you and Si Yu'us Ma'ase.

Regards, Eugene T. Mesa Resident of Yona

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3.8.2016
PLANNING

Michael Boria

From: Sent: Ton Perez <ginzabred@gmail.com> Friday, March 04, 2016 3:26 PM

To:

Michael Borja; Marvin Aguilar, Celine Cruz

Cc: Subject:

PAGO BAY MARINA RESORT PROJECT

magahet3@mac.com



All.

As I am not able to attend your March 10, 2016 public meeting, I would like to voice my opposition to subject project.

As a long time resident of the beautiful village of Yona, I know the village's infrastructure as it is, will not be able to handle the additional load of subject project.

The project will destroy the very delicate ecosystem of the area which was ignored when the current housing development was allowed to proceed. How will the land crabs get to the beach to spawn? I see an end to crabbing during the "gualafon" full moon. What will happen to the endangered Nipa palm on the river's banks.

The high rise structures will be an eye-sore and destroy the pristine beauty of the of the bay and surrounding area that is already marred with the ongoing housing development and the del Carmen condos.

I see no benefits this project will bring to the residents of our beautiful villages of Chalan Pago and Yona.

ETC, ETC, ETC.

I could go on and on and on.

Also, I was informed by a Chalan Pago resident who attended your meeting on 25 Feb 2016 that Yona resident, Mr. Manny Cruz stood up and stated that the Yona residents are all in favor of the project. Mr. Cruz was speaking for himself and not for the people of Yona.

Thank You.

V/R

Antonio P. Perez

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MUNICIPALITY OF YONA

Ken Joe M. Ada, MPA

Mayors' Council of Guam Konsehelon Mahot Guahan

P. O. Box 786 Hagåtña, Guam 96932/265 Sister Eucharita Street, Yona, Guam 96915

March 4, 2016

TO: Guam Land Use Commission, DLM

FR: Ken Joe M. Ada, Yona Mayor

RE: Proposed Pago Bay Marina Resort-Resolution 16-10

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Hafa Adai! The Yona Municipal Planning Council would like to resubmit Resolution 16-10 due to corrections made on resolution.

Thank you and May God Bless us all!

Si Ken Joe M. Ada





Office of the Mayor Municipality Of Yona



Resolution No. 16 – 10

Introduced by:

Mayor Ken Joe M. Ada, MPA, Chairman
Jesse Blas, Vice Chairman
Paz Cruz, Treasurer
Rose Rene F. Guerrero, Secretary
Fe Opus, Member
Juanita Torres, Member
Melvin Warner, Member
Jesse Cruz, Member
Norma Cruz, Member
Kaylee Jo Flores, Member
Shirley Gagan, Member

Relative to the application filed with the Guam Land Use Commission (GLUC) by:
The Applicant, Guam Wangfang Construction Ltd., represented by FC Benavente, Planners, request for a Zone Variance for Height for a proposed 304 unit multi-storey, multi-dwelling (Pago Bay Marina Resort), on Lot 164-4NEW-1, in the Municipality of Yona, in an "R2" (Multi-Family Dwelling) zone under Application No. 2015-29.

BE IT RESOLVED BY THE YONA MUNICIPAL PLANNING COUNCIL

WHEREAS, The Yona Municipal Planning Council plays a very vital role in the development of community projects and serves as the governing authority within the respective district that might otherwise compromise social and environmental issues to the general population of the districts respectively; and

WHEREAS, since the inception and creation of the Yona Municipal Planning Council, it has become a vital component of Community Interaction and advises the Mayor of Yona on policies aimed at improving the quality of life within the district to include supportive and non-supportive issues that concern the livelihood of each and every individual resident; and

WHEREAS, the Guam Land Use Commission held a public hearing at the Yona Community Center on January 6, 2016 inviting the public to attend; and

WHEREAS, an overwhelming amount of Yona and Chalan Pago residents came and provided testimony with regard to the development and the height variance application all of which agreed that they do not want height variance to be approved; and

WHEREAS, the Yona MPC recognizes the concerns of the residents of Yona, and based on submitted testimony and verbal communication, the Yona MPC is compelled to say "NO" to the application, Guam Wangfang Construction Ltd., represented by FC Benavente, Planners, request for a Zone Variance for Height for a proposed 304 unit multi-story, multi-dwelling (Pago Bay Marina Resort), on Lot 164-4NEW-1, in the Municipality of Yona, in an "R2" (Multi-Family Dwelling) zone under Application No. 2015-29; and be it

RESOLVED, that the Chairman and the Members of the Yona Municipal Planning Council certify, and the Secretary of the Yona Municipal Planning Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to the Director of Land Management and to the Honorable Ken Joe M. Ada, Mayor of Yona.

DULY AND REGULARLY ADOPTED BY THE YONA MUNICIPAL PLANNING COUNCIL ON THE 23rd DAY OF FEBRUARY, 2016.

Ken Joe M. Ada

Mayor & Chairman

Yona Municipal Planning Council

Jesse M. Blas

Vice Chairman

Yona Municipal Planning Council



MUNICIPALITY OF YONA

Ken Joe M. Ada, MPA

3-1-16

Mayors' Council of Guam Konsehelon Mahot Guåhan

P. O. Box 786 Hagåtña, Guam 96932/265 Sister Eucharita Street, Yona, Guam 96915

March 1, 2016

TO: Guam Land Use Commission, DLM

FR: Ken Joe M. Ada, Yona Mayor

RE: Resolution 16-10, Pago Bay Marina Resort

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Hafa Adai! The Yona Municipal Planning Council had called a meeting 12:00 pm, February 23, 2016 at the Yona Community Center in regards to the proposed Pago Bay Marina Resort, Resolution 16-10.

The Yona Municipal Planning Council is submitting this document of their official position on this matter.

Si Ken Joe M. Ada





Office of the Mayor Municipality Of Yona



Resolution No. 16 - 10

Introduced by:

Mayor Ken Joe M. Ada, MPA, Chairman
Jesse Blas, Vice Chairman
Paz Cruz, Treasurer
Rose Rene F. Guerrero, Secretary
Fe Opus, Member
Juanita Torres, Member
Melvin Warner, Member
Jesse Cruz, Member
Norma Cruz, Member
Kaylee Jo Flores, Member
Shirley Gagan, Member

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RESOLVED, that the Chairman and the Members of the Yona Municipal Planning Council certify, and the Secretary of the Yona Municipal Planning Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to the Director of Land Management and to the Honorable Ken Joe M. Ada, Mayor of Yona.

DULY AND REGULARLY DOPTED BY THE YONA MUNICIPAL PLANNING COUNCIL OF THE DAY OF 2016.

Ken Joe M Ada

Mayor & Chairman

Yona Municipal Planning Council

Paz Cruz

President, Yona/Talofofo Senior Citizen's

Center

Michael Borja

From: Sent: John Bagaforo <johnbagaforo@gmail.com>

Tuesday, March 01, 2016 1:57 PM

To:

Michael Borja

Subject:

Jessy Gogue Pago Bay Development

Hafa Adai Mr. Borja,

My name is John Bagaforo a resident of Pago Bay and I would like to submit this testimonial against the proposed Pago Bay Development.

We as island residents already feel the continuous issues regarding our much needed upgrade of infrastructure for utilities. On a daily basis we see numerous power outages that's ongoing island wide. Our water system is in dire straights. I can only imagine what will be if this development plan is allowed to proceed.

Although this project is being proposed on the Yona boundary of Pago Bay, the residents in the immediate and surrounding area will feel the wrath to come.

Traffic congestion on route 4 Pago Bay will be definitely an issue. This is a major route for our eastern and southern populace who commute to and from work on a daily basis. The beach park at Pago Bay is probably one of the last pristine beaches on the island. Building this development will change this beautiful bay forever.

I was able to attend the meeting held at the Yona community center where I heard testimony from a U.O.G. Marine Lab employee who testified the negative ecological effect this project will have in Pago Bay.

Key people who make decisions weather this project is allowed to proceed cannot afford to succumb to a well financed group who are prepared to change the look of the land we all have enjoyed for decades.

I may be contacted at this email address or my cellular phone below. Thank you in advance for allowing me to submit this testimonial.

John A. Bagaforo 671 689 2247



Celine Cruz

From:

A Gogue <magahet4@gmail.com>

Sent:

Tuesday, March 01, 2016 6:04 AM

To: Cc: Celine Cruz

Subject:

A Gogue Fwd: Pago Bay documents

Attachments:

Saving Pago Bay.pdf; Adrian Gogue GLUC hearing notes on Application for Zone

Variance Height and Density.pdf; Letter to Guam Land Use Commission Land

Management v1.pdf

Hafa Adai Ms. Cruz,

Please accept my written submittals opposing the Guam Wangfang Pago Bay Marina Resort application for a variance in height and density. I spoke at the public hearing on 6 Jan and most recently at the GLUC hearing on 25 Feb. I had submitted some documents during the GLUC hearing and I want to include these.

Please contact me if you have questions @ 4886578 or email.

Saving Pago Bay.

Thank you.

Sincerely, Adrian Gogue

CAM

Adrian Gogue P.O. Box 1121 Hagatna, Guam 96932 magahet4@gmail.com

9 February 2016

Guam Land Use Commissioners
Department of Land Management

Hafa Adai Commissioners.

I am Adrian Gogue, a resident of Ordot-Chalan Pago and I am unequivocally opposed to the Guam Wangfang Construction, Ltd's Zone Variance for Height and Density Application No. 2015-29 Lot. L164-4NEW-1 to build a 300 unit multi-family residential facility within a destination to be known as the Pago Bay Marina Resort¹.

I am humbly asking the Guam Land Use Commissioners and other decision makers in this application process to disapprove this variance application. I am concerned about what the adverse impacts would be to our beautiful Pago Bay, ancestral and cultural history, ecosystem, environment, and infrastructure if this application were approved.

On January 6, 2016, FCB Planners and Guam Wangfang's Professional Engineer held a public hearing on the proposed Pago Bay Marina Resort at the Yona Mayor's Office/Community Center. I attended the hearing and voiced my opposition then. The local media (KUAM, PNC, Guam PDN, Guam Daily Post to name a few) also reported in their coverage the residents' and community's concerns against this proposed development. For example According to The Guam Daily Post article, "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay."²

I am opposed to this variance application and development for the following reasons:

Ancient Chamorro village³

Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations.

Guam Wangfang Construction Ltd Application for Zone Variance For Height and Density,

² The Guam Daily Post "Concerns raised over Pago Bay resort", January 8, 2016; http://www.postguam.com/local/news/43721-concerns-raised-over-planned-pago-bay-resort.html#.VpYr-UugHR0

³ Guampedia Pago http://www.guampedia.com/pago/

These investigations include the discovery of previously buried archeological soils, features and artifacts indicating that people lived along the shores of this bay hundreds of years before the Spanish first arrived in AD 1521.

During the period from 2005-2009 four archeological projects were completed in Pago Bay. Three small projects were located northeast of the Pago River in the vicinity of Frank Perez Park, a public recreation area located on the shoreline, northeast of the river mouth. The fourth and largest project, the Laguna Pago Bay Resort, is located south of the river. These projects found that the lands bordering the bay on both sides of the river had been utilized during the Latte Period (AD 900-1521), and they revealed new information about the ancient village of Pago, the nature of its occupation and the range of activities traditionally carried out by the people who lived there. separate projects completed on the north side of the river were situated on the accumulated sand deposits that lie southeast of Chalan Justice Monessa Lujan, formerly known as Inalado Road, and the shoreline. The large project completed on the south side of the river included a narrow strip of beach bordered by a limestone cliff with rock overhangs and upland areas developed on a limestone base that formed a plateau and slopes. While all of the areas had been considerably disturbed in the past, the archeological projects identified scattered pockets of intact cultural deposits dating to the Latte Period.

Impact: Are we willing to commercially develop the land where our ancient villages once stood? This will further the destruction of our ancestral and cultural history.

Title 21, Guam Code Annotated Real Property: Chapter 61 Guam Zoning Law

§ 61401. Height Limit Established.⁴

"In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet), ..."

Impact: These height limits are put in place for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam⁵. These 14-story and 15-story monstrosities will forever alter Pago Bay's scenic landscape. Additionally, what's to prevent future developers from applying for a similar variance and building other towers not only in Pago Bay but also at our island's remaining scenic bays: Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat. Approving this application will plant the seed that will grow wildly and out of control.

§ 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas⁶

⁴ Title 21 GCA Chapter 61

⁵ Title 21 GCA Chapter 61

⁶ Title 21 GCA Chapter 61

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

These 14 story and 15 story towers have the potential of becoming a menace to the well being of the residents of Pago Bay. Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark."

Title 21, Guam Code Annotated Real Property: Chapter 63 Territorial Seashore Protection Act of 1974

"63108. Interim Permit Control.7

- (a) General provisions.
- (1) On or after June 1, 1974 any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the Commission, and, if required by law, from any other governmental department or agency. No permit shall be issued without the affirmative votes of a majority of the Board members.
- (2) No permit shall be issued unless the Board has first found:
- (A) That the development will not have any substantial adverse environmental or ecological effect, and
- (B) That the development is consistent with the purpose and objectives of this Chapter.

The applicant shall have the burden of proof on all issues.

- (3) All permits shall be subject to reasonable terms and conditions in order to ensure that:
- (A) Access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication.

⁷ Title 21, GCA Chapter 63

- (B) There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.
- (C) Adequate and properly located public recreation areas and wildlife preserves are reserved.
- (D) Provisions are made for solid and liquid waste treatment, disposition, and management, which will minimize adverse effects upon coastal reserve resources.
- (E) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation."

These are just a few of the reasons why we need to save Pago Bay from further commercial development. By saving Pago Bay today we are preserving its natural beauty, ancestral and cultural history, ecosystem and environment for future generations to enjoy.

Thank you for your time and dang'ka'lu na si Yu'us ma'ase!

Sinseramente.

/s/ Adrian Gogue

Adrian Gogue's Notes (in RED) on the Guam Wangfang's Variance Application

Page 1: Application for Zone Variance Height and Density: 300 residences, Lot 164-4NEW-1

Filed: 17 Sep 2015

Page 4: FC Benavente letter 11 Jul 2015

- Second paragraph (Project Description)
 - Amenities: health spa, indoor and outdoor coffee shop, restaurant, retail shop, and function rooms.
 - o Amenities will be provided on ground floor and second floor
 - Outdoor amenities include freshwater swimming pools, a water park, sun decks, walking, and jogging pathways, Pago River and Pago Bay natural views, including abundant landscaping along Route 4 and throughout the property.
 - Single main building and twin towers (14 and 15 stories, C-shaped)
 - Wetlands encompasses 32% of project site
 - o Parking for vehicles and buses in basement and surface level
 - All development will stay compatible with GovGuam and Federal regulations for this unique and special property
 - This is a broad/generic statement. What are the specific plans and what these regulations?
 - Also, the developer acknowledges unique and special property. So why permanently alter this beautiful unique and special property and put twin monstrosities that will never naturally blend in.
- Third paragraph (Location)
 - o Property is undeveloped (the way it should remain)
 - o 6.87 acres (299,505 square feet)
 - East boundary fronts Route 4 and which functions as the main access road, North boundary fronts Pago River, West boundary is Pago Bay beachside, South boundary is adjacent to the Pago Bay Resort residential subdivision

Page 5:

- Infrastructure: Water and wastewater will be provided by GWA; power by connecting to the existing GPA systems in place
 - This is a broad statement; what are the specific plans.
- Comparison Table
 - Traffic: 344 parking spaces plus bus and van parking (40 spaces for staff vehicle parking)
 - Height variance: project has a single main building and twin towers.

- Are the 3 stories and 30 ft. height restriction applied to each facility or collectively? Meaning, the twin towers total 29 stories. GLUC agenda states 2 buildings
 - How much percent increases are the height and density variances from what's allowed?
- Under Parking
 - Pago Bay Marina Resorts targets off-island clientele, who will be residing on Guam on a non-permanent basis.
 - Notice "Resorts" is plural. Is there another planned that we don't know about?
 - "Non-permanent basis" could mean the clientele are visitors/tourists. Is this project to build a hotel in a quiet serene neighborhood?
 - Commercial areas and facilities are designed as amenities for the facility residents and their guests, and may only be opened to the public with special invitations and accommodations.
 - So how would this development be beneficial to the community if it were only accessible by special invitations and accommodations? The developer is asking for variance that absolutely does not compliment the natural beauty and surrounding neighborhood, and if the variance is approved the developer will snub its nose to the community it will adversely impact.

Page 5: GCA Title 21 Chapter 61, Section 61617. Variance Requirements.

- No variance shall be granted by the Commission unless it finds:
- (a) That the strict application of the provisions of this Chapter would result
 in practical difficulties or unnecessary hardships inconsistent with the
 general purpose and intent of the law;
- (b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;
- (c) That the grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and
- (d) That the grant of such variance will not be contrary to the objectives of any part of the Master Plan adopted by the Commission or Legislature;
- (e) That, as to variances from the restrictions of § 61504 of this Chapter, the
 proposed building will substantially enhance the recreational, aesthetic or
 commercial value of the beach area upon which the building is to be
 constructed, and that such building will not interfere with or adversely affect
 the surrounding property owners' or the public's right to an untrammeled
 use of the beach and its natural beauty.

- The above requirements need not apply to the types of uses specified in §
 61616(i), and variances for such uses shall only be granted by the
 Commission where it finds that they are deemed essential or desirable to the
 public convenience or welfare, are in harmony with the various elements or
 objectives of the Master Plan, and will not be materially detrimental or
 injurious to the property or improvements in the immediate neighborhood.
- Guam Wanfang Construction LTD dated 23 Mar 2015 states the purpose of developing the property described below for condominium, hotel, and resort complex. This was first advertised as a condominium but is the true intent to build a hotel?

Page 8 GLUC Form Variance Application

- Section 4 of the form states "Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with GCA 21, Chapter 61, Section 61617"
 - The applicant's responses do not adequately explain the compatibility of the project with adjacent and neighborhood developments. In fact there are no buildings in the area that exceed the 3 stories height restriction.
 - What are the difficulties and unnecessary hardships to the owner? The owner bought property that includes beachfront/seashore that is protected by GCA 63 and 64 and now the owner wants to forever change the lush landscape and iconic scenic bay by building twin monstrosities? The owner will deprive us of the natural beauty surrounding Pago Bay.

Page 12 Affidavit of Authorization

 Did Mr. John Sherman sign the affidavit? The signature line is either blank or the signature is extremely faint on the affidavit.

Environmental Impact Assessment EPA Short Form 11 Jul 2015

- Pages 15-20
 - Who determines the use of the short form and the impacts of a project will be insignificant.
 - Per the EPA Form it states to describe the impact and state why it would not be significant, and if not affected to provide reasons why. However, FCB's responses are brief and do not adequately answer the critical environmental factors on the application affected by the project i.e.
 - Ground Water Recharge Area
 - The developer acknowledges the project site is within the boundary of the Northern Guam Water lens area that encompasses the northern half of the entire island

and the project is not expected to significantly impact the water recharge area.

- How did the developer come to this conclusion? Where is the data that supports this claim? In fact, recharge may be impeded somewhat by human activities including paving, development... These activities can result in loss of topsoil resulting in reduced water infiltration, enhanced surface runoff and reduction in recharge.
- Watersheds: the developer's response is severely lacking and again does not provide the required information. The aquifer map provided on page 18 is hard to read, not legible.
- Wellhead Protection Zone: It states, "Further assessment is ongoing for verification with GWA." What is the update?
- Streams, Lakes, or Ponds: the developer states the Pago River runs along the northeast boundary of the property and all consideration and sensitivity to this important natural asset have been considered, and efforts have been expended so that no negative impacts will occur. Could the developer provide what the consideration, sensitivity, and efforts are so we could review the information?
- Marine Waters: What does the developer mean with the statement "...all consideration will be made to comply with laws and regulations for development." This sounds like a generic statement. Where are the specific mitigation plans to prevent another man-made impact to an iconic scenic bay?
- Reef Flats
- Pristine Forest: (what will be done to preserve the natural beauty and Nypa Palm growth area?)
- Critical Habitat Area references ARC Environmental Services, Inc. study conducted in 2007 (that's almost 9 years ago-what about a current study?)
- Wetlands: according to the application, "the wetlands have increased approximately 416 square meters from the original wetlands delineation" as a result of a storm water conveyance and settling pond disposal system (from the Pago Bay Laguna Resort development?) What does the developer mean with the statement "...all consideration will be made to comply with laws and regulations for development." This sounds like a generic statement. Where are the specific mitigation plans to prevent another man-made impact to the wetlands?

- Also, wetlands have an impact on groundwater recharge. The extent of groundwater recharge by a wetland is dependent upon soil, vegetation, site, perimeter to volume ratio, and water table gradient (Carter and Novitzki 1988; Weller 1981). Groundwater recharge occurs through mineral soils found primarily around the edges of wetlands (Verry and Timmons 1982).
- Flood Hazard Area: the Pago Bay area floods during heavy rainstorms. The project will alter the pond settling area and possibly create further runoff onto Route 4 and/or the bay.
- Archaeological Feature(s) or Historical Sites (survey was conducted 2008-2009 and application states Analysis of field data is on-going: what is the current update?)

Pages 20-23

- Under Production of toxic or hazardous waste, where is the Environmental Protection Plan for review?
 - Vehicle traffic
 - How can the developer state the traffic generated by this zone variance is not expected to be significant along Route 4? Along the project's site is a 2-lane winding road. Were traffic studies conducted at varying times to come to this conclusion?
 - Under #9 clearing and/or grading the developer references a 1988 USDA Soil Survey of the Territory of Guam. Is there a current survey?
 - #11, the use of above or below ground storage tanks for fuel or water. The developer's response is "No. There are none anticipated at this time." Are we to believe that a multi-family project for 300 units at 3.2 persons per unit will not have emergency generators/back-up power that would require fuel storage tanks?

Page 43 MARC End of field effort for archaeological data recovery

The letter states a reburial plan/ceremony and perpetual dedication of the structure for the 12 highly disturbed human burial features at the base of the escarpment south of the Pago River. Was the reburial conducted and is the structure within the proposed project site? If so, what is the reburial plan?

Page 71: Site Development Plan

What is the distance between the high watermark and the building next to the pool area? Reference- Section 61504: Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach.

Page 109 GLUC Notice of Action Approved with Conditions on March 14, 2008

 These conditional approvals are for 2008. What are the statuses and updates of the conditions that needed to be met/addressed? If these conditions were not satisfied in Phase I, why are we discussing approving a variance application for Phase III?

Page 111 GWA

 Applicant shall conduct wastewater calculations on the Pago Double Shaft and New Chaot Sewer Pump Stations to determine the reserve capacity required to accommodate the proposed wastewater load. In addition, applicant is hereby advised that the gravity sewer lines on Route 4 downstream of the New Chaot SPS terminating manhole and on Route 1 are at capacity. What is GWA's update on this issue?

Page 112 Department of Parks and Recreation

- What were the resolutions to trails and ocean shore access in accordance with Public Access to the Ocean Shore and Traditional Right-of-Way, Public Law 19-05
- What was done to be in compliance with Guam Public Law 20-151 and 21-104; Guam Executive Orders 89-9 and 89-24; Section 106, Part 800, National Historic Preservation Act of 1996?

SAVING PAGO BAY

By: Adrian Gogue Resident of Ordot-Chalan Pago



The 21st Century Developer (Giant Fish) That Ate Pago Bay

According to Chamorro legend, a giant fish ate away the central part of the island, thus forming Pago Bay. To save the central part from being further eaten by the giant fish, Chamorro women wove a giant net from their hair and captured the fish to prevent further damage to the island.

Sadly, this legend has become reality. A 21st century developer (giant fish) has already "eaten" away the bay's lush green landscape and developed the Pago Bay Resort. If you drive by the resort along Route 4, you'd notice only a handful of homes are built out of a proposed 98 home community. This is because the resort is most likely unaffordable to the

SAVING PAGO BAY PAGE 1
18 January 2016
overwhelming majority of islanders to purchase property and build a home there.

Furthermore, another developer threatens this beautiful bay with an application to obtain a height and density variance in order to build 14-story and 15story tower condominiums in the adjacent area next to the Pago River. These towers will be twin monstrosities that stick out as evesores in this serene coastal part of our island. We can stop this development and the further destruction of Pago Bay by telling the Guam Land Use Commission to disapprove this application.

Here are some of the reasons why we should be saving Pago Bay:

1. Pago is an ancient Chamorro Village

Located on the eastern coast of the island of Guam, Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations. Source: http://www.guampedia.com/pago/

Impact: If the variance application is approved to further commercially

develop Pago, this will be a near-irreversible process that will contribute to the destruction of our ancestral and cultural history. We should be preserving, not destroying.

2. Pago is full of abundant natural resources in the area

The village name Pago is likely derived from the Chamorro word pago (pagu), which is the wild hibiscus plant that grows abundantly in this area. The bark of this species of hibiscus traditionally was used to make ropes. Source: http://www.guampedia.com/pago/

The Pago ecosystem also consists of the pang'lao (land crab), mangrove crab, freshwater fish, migratory birds, wetlands, and nypa palm to name a few.

Impact: The loss of natural habitat and encroachment as a result of this development will be detrimental to the environment and local ecosystem.

3. Title 21 Guam Code Annotated for Real Property

Source:

http://www.guamcourts.org/ CompilerofLaws/GCA/title21. html

a. Chapter 61 Guam Zoning Law: In a R-2 Multiple Dwelling Zone, a permitted use is "...Hotels, private groups, and institutions."

Yes, the developer can build a hotel in a R-2 zone, and may do just that according to an article posted on KUAM.com, "While they intend to market locally the development can be later used as hotel for a long-term arrangement." Source: Guam Wangfang representative comment in KUAM.com article posted 4 Jan 2016

Our beautiful Pago Bay is not Tumon Bay and building these towers will turn one of our island's iconic scenic bays into something it is not.

What is the target demographic for this resort? According to the developer's variance application on page 5, "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis." The developer further states in the application the "commercial areas and facilities are designed as amenities for the facility residents and their guests, and may only be opened to the public with special invitations and accommodations."

The developer's representative also told KUAM News "this is a low-impact project and will cost around \$75-90 million."

Really, what's low-impact about millions of dollars? In order to recover the cost of building this resort the developer will most likely market to big fish/big money investors and buyers. The condominiums would most likely be unaffordable for the overwhelming majority of our islanders, just like the adjacent Pago Bay Resort.

b. Chapter 61, § 61401. Height Limit Established.

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet)...

According to the developer's front elevation drawing on page 73 of the application, the proposed heights for these towers are approximately 150 and 170 feet respectively. Thus, the variance in height is approximately 400 percent greater than the 30 feet maximum allowable height.

Further, the application states the variance in density is required because the development exceeds the maximum allowable by 65 units.

Basically, the developer wants to build in excess of what is allowed.

Impact: If this application is approved these 14-story and 15-story monstrosity towers will forever alter the landscape and stick out as eyesores in a scenic area. What's to prevent future developers from building other towers throughout our beautiful Pago Bay and other scenic bays: Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat. This is the seed that will grow wildly and out of control.

c. Chapter 61, § 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters. that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of heach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's areatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by

SAVING PAGO BAY PAGE 3

construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark."

d. Chapter 63 Territorial Seashore Protection Act of 1974:

No permit shall be issued unless the Board has first found:

- That the development will not have any substantial adverse environmental or ecological effect...
- The applicant shall have the burden of proof on all issues.
- There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.

What we don't know What is the master plan for

this proposal?

Ancestral and Cultural

Preservation

- Utilities (power and water)
- · Road Network and Safety
- Traffic and Congestion
- Wastewater/Sewage
- Habitat and Environmental Impacts

What are the GovGuam agencies inputs and assessments? Department of Agriculture, Department of Public Works, Environmental Protection Agency, Guam Power Authority, Guam Waterworks Authority, etc.?

These are only some of the reasons. Whatever your reasons may be, together let us save Pago Bay.

What we can do to save our beautiful Pago Bay

- Contact the Director,
 Department of Land
 Management and Guam Land
 Use Commissioners at 6495263 to let them know you
 want this application
 rejected and disapproved.
 You can also submit your
 written inputs and
 testimonials against this
 development. The
 Department of Land
 Management is located at:
 590 S. Marine Corps Drive, 3rd
 Floor, ITC Building, Tamuning.
- Read the Guam Wangfang Variance Application and become familiar with its

contents. The application can be found online at: http://dlm.guam.gov/gluc-applications/

- Contact our elected leaders and tell them NO to this variance application: Mayors, Senators, etc.
- Voice your opposition in the press and in social media until this application is rejected and disapproved.

On 6 January 2016, a public hearing was held at the Yona Community Center. The hearing was well attended and the local media reported the public's overwhelming concerns in their coverage. For example, the Guam Daily Post stated in their article. "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay." Source: http://www.postguam.com/l ocal/news/43721-concernsraised-over-planned-pagobay-resort.html#.VpYr-**UugHR0**

TODAY, WE CAN MAKE A DIFFERENCE IN SAVING PAGO BAY FOR FUTURE GENERATIONS TO ENJOY.

Thank you and dang'ka'lu na si Yu'us ma'ase!



CORAL REEF MARINE CENTER

"MAKING THE OCEANS YOUR PLAYGROUND" P.O. BOX 9129 TAMUNING, GUAM 96931

TEL: (671)646-4895/6 FAX: (671)649-5209

EMAIL: chime@teleguam.net

February 25, 2016

Hafa adai, my name is Timothy Perez a resident of Pago Bay for 52 years. My mother who 92 and siblings have been and currently living in Pago since the early 60's. My family has served working for the Government in Education, Procurement, Guam Police and Fire, and in the legislative field. I am the only one along with my oldest brother who are in the field of private business. The beach road access to Pago Bay was named after my father, the late Francisco F. Perez. We have utilized the Pago Bay beach and the river, with fishing, crabbing, and swimming in the past, but this has changed for us. I am currently employed with Coral Reef Marine Center and have been in the recreational marine business serving Guam, the Northern Marianas, and the Micronesian island boating community for over 30 years. Commercially, I currently serve the US Naval small boat commands, USCG, and Government of Guam Marine department agencies.

For myself, I am in favor for the development for residential living, and upgrade facility enhancements in Pago Bay. I have been working with Agencies within the Government of Guam and the staff of the Pago Bay Resort to put in a launch ramp for the residents of the island, plus situating a boat house command for Guam Police Marine Patrol, and Guam Fire Rescue. This will help with closer Police and Fire presence to our area. We would also like to develop a boat marina and possibly a fishing, or viewing platform on the Yona side in front of their property. Most importantly to clean up and bring marine life back into the bay. The benefits would be tremendous for the islands people and boating community. Currently in Pago Bay, there is no beach sand to utilize for the general public. Private ownership of beach front property, driving or walking to the open areas is not available due to the waterline intrusion, and erosion of the bay. I just walked the bay yesterday down to the river bank, the water level intrusion has come in over 40' over the last 40 years. The WWII pill box that I used to play in when I was young, in now 15' into the bay. All the public facilities such as the pavilion, and restroom, have been damaged, or destroyed by acts of god or vandalism. You can't even swim in the river because of green waste debris, or trash from neglect. On the Yona side, the silt and green waste debris has covered all coral life, I am working with a good friend and marine expert to grow coral to put back into our Guam waters. All in all, problems will continue in Pago Bay if we do not find solutions to fix it. I know it may sound like I am only interested for the benefit of me and the business that I am in, not true. I have seen development with many new homes on my side of the bay, I will call it the north side of the bridge. With these changes my families life style have been affected. Today I still shower using a bucket in my bathroom, or the water hose outside because of no or very low water pressure, I know what it is to live with growing development, not even on a large scale. Now I am paying a local private company and relocate my water meter so I can get efficient water usage. I am not blaming the Government, but our island has grown so fast after the war, and we could not keep up the with the changes of the world. It looks like we are starting to now, but it will take time, we need the help of the private business community.

Being in the marine business, I have seen development of boating and marina communities thrive. Australia is a very good example of this which is closest to us. The US marinas especially in the west and east coast are all enhancements for its communities, and generates a lot of revenue for its governments. They still work on keeping and perserving the history aspect, the wildlife and fishery, everything that the water provides. Pago Bay being in the middle of the island is a ideal location, Hagatna Marina is a prime example being in the middle of the island. Should this project be allowed, this would be a foot print for all of Guam to follow. Would be nice to develop Marinas, in Yona, Talafofo, Inarajan, Malesso, and Umatac where the people can take their boats up and down the coast. The villages would develop extra revenue to help its communities. Again the benefits would be tremendous. I know it is hard to change and let go, but if done right if will help our children and families of Guam, or whomever they want to call Guam home.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Reburial of human remains have yet to be reburied in the area designated as the Reburial Monument site.	Will provide and coordinate a new burial site. Previous plans were submitted to DPR and will coordinate a new re-burial location with DPR.
2.	Completion of the Public Beach Access to the ocean shore required by law.	Was completed during phase 1 of the project development.
3.	Reburial Monument Site and the public beach access encroached and compromised by the proposed development. Potential adverse effects to cultural properties may affected by the proposed development.	Will coordinate with DPR to mitigate any potential compromises.
4.	The developer must hire a qualified archaeologist to prepare an Archaeological Monitoring Discovery, and Data Recovery Plan in consultation with DPR.	Will comply with DPR recommendations for any new Archaeological Monitoring Discovery, and Data Recovery Plan.
	Recommendation: Mr. Sana and Mr. Sherman to schedule a meeting soon, with DPR staff to discuss concerns raised. No recommendation of approval until an agreement is forged to address and resolve the pending reburial of human remains and the public beach access to the ocean shore.	Applicant has a scheduled meeting with DPR at the earliest for March 25, 10:00 am., at the DPR office.



Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPR

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	discuss concerns raised. No recommendation of approval until an agreement is forged to address and resolve the pending reburial of human remains and the public beach access to the ocean shore.	office.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPW Item No. **SUMMARY OF COMMENTS RESPONSE** 1. Incorporate eco-green and energy efficient as Will comply. Our plan is to incorporate energy part of the design concept. saving devices as well as some renewal energy concepts. 2. Provide structural analysis for winds velocity Will comply with the code. that can withstand 170 mph. 3. Outdoor amenities including landscaping must Will provide lavish, green landscaping using be design in detail and make use of its physical many indigenous plant species. and biological resources which will make a great impact to the environment. Must provide a soil and geology engineering 4. A soil engineer will be retained for soil and report. Must provide a traffic impact analysis to geology requirements. The developer is aware be Coordinated with DPW, Division of Highways. of the recent DPW's 2030 Traffic Master Plan. The developer will undertake any localized traffic problems resulting in vicinities of the project site. 5. Parking layout, accessible parking stalls must Will comply with ADA requirements. comply with the ADA requirements. Entrance/exit must be wide enough for public 6. Will comply and coordinate design layout with access. DPW. 7. Must provide public access to the beach area. The access already exist on the property. 8. Provide solid waste composition. Post construction domestic solid waste will be disposed through a private collection company. 9. Recommendation: recommends approval A complete set of design drawings will be subject to comments review by the Application provided to DPW prior to construction in Review Committee (ARC) with condition that the compliance with all building codes. complete set of design drawings must meet all the requirements in conformance with the latest

Will comply. All design will be performed by

qualified design professionals.

10.

Building Code edition applicable to civil,

structural, mechanical, electrical, and plumbing.

Additionally, flood zone and ADA requirements.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DAGR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	DAGR requires a recent biological survey to	We planned no construction within the
	determine that no protected indigenous flora	wetland. If any Federal Endangered Species are
	and fauna recently listed on the Federal	encountered during the construction activity,
	Endangered Species list is affect ted by the	the finding will be promptly reported and
	development prior to approval of a clearing,	mitigation coordinated with DAGR.
	grading and building permit. Should the	
	consultant find such species in the area they	
	must be protected by either leaving in place	
	and no development occurs in the area or can	·
	be relocated to a section of the property	
	where development is restricted to a "green	
	zone" meaning that a portion of the property	
	will be kept in an original state such as the	
	wetland and river habitat that will be left so	
	that these endangered and indigenous species	\
	can thrive and live.	
2.	Wetland. The wetland points identified by	A 15 feet buffer zone will be provided between
	ARC Environmental closest to river system	the construction area and wetland boundary.
	must be identified through signs and markers	We will install silt fences along sensitive areas
	to insure that no encroachment by heavy	to be protected prior to any work. Wetlands wil
	equipment and other machinery takes place. A	not be disturb during construction.
	buffer zone must be maintained between the	not be distart during construction.
	proposed development and the river/wetland	
	habitat to add further protection of this area.	
	Nipa palm are within government jurisdiction	
	and cannot be harvested as they provide	
	protection of the river system by preventing	
	erosion into this area.	
3.	Implement BMPs and Mitigation controls to	Silt fences and other erosion control methods
	ensure that no erosion of any fill material or	and measures will be in place prior to
	dredge is allowed to enter into the protected	construction.
	areas. Silt screens and other erosion control	Construction.
	measures must be erected and maintained	Signs in compliance with OSHA will be posted
	throughout the entire period of development.	on site.
	Prohibit any activity requiring use of heavy	on site.
	equipment and other machinery or materials	
	that use fuels, chemicals near coastal waters,	
	river and wetland zones. Such activity must be	
	done at an approved OSHA site that contains	
	the proper systems to catch any spillage and	
	leakage. Signs must be posted on site notifying	
	workers that these activities are prohibited.	
	workers that these activities are prohibited.	

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DAGR

Item No.	SUMMARY OF COMMENTS	RESPONSE
	The agency may impose fines and penalties for any destruction and contamination of these areas.	
4.	DAGR recommends that the developer include a Comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.	We have prepared landscaping plans. We will incorporate many indigenous species of plants, shrubs and trees to be included in the project's landscape.

Project: Pago Bay Marina Resort

Visual Quality

SUMMARY OF COMMENTS

Flood Zone- The property has been identified to

flooding and a 26% chance of flooding over a 30

Inconsistent with the legislative intent of 21GCA,

Purpose: Building and Building Height Restriction

Protection of Marine Waters. Compliance with 21

a. Applicant must provide open vegetated buffer

b. Employ erosion and sediment controls during

example in the CNMI/Guam Stormwater Management Manual, October 2006. c. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective

construction and avoid sedimentation from

entering in the water. Use best management practice including silt fencing as provided as an

Implementation of erosion control methods.

yards between the shoreline and Buildings in

Chapter 61, §61504 Zoning Law; Statement of

in Beach Areas. See agency position statement

dated: Nov. 30, 2015. GCMP Resource Policy 5

GCA Chapter 63. Guam Territorial Seashore

accordance with Policy NS-9 NCGLUP.

Protection Act. Recommendations:

risk "A") This area has a 1% annual chance of

Item

No. 1.

2.

3.

4.

Case No: 2015-29

_Agency: ____BSP RESPONSE The High Hazard "A" Zone is within the wetland be located in a flood zone. (FEMA flood zone high area. A very small portion of this high risk zone is within the building footprint. The main floor building pad elevation will be elevated year Mortgage. Adhere with Policy NS-3, NCGLUP. approximately 15 feet above existing grade. Complied with this section of the Zoning Law. The proposed building height exceeds 20', therefore, a setback of more than 75' is required for the proposed building from the High Water Mark. The proposed building setback is 180' from High Water Mark. A beach access will be demarcated for public

use on the property in accordance with 21 GCA Chapter 63.

- a. More than 180 feet of buffer yard and open space between the shoreline and building is provided in the design.
- b. Will be provided during building permit.
- c. Will comply with this recommendation.

5.	Stormwater Management. Avoid stormwater discharge into the Pago River and Pago Bay.

Clearing, grading and construction.

a. Will comply with the policy for stormwater

The proposed development will not disturbed

the existing wetland.

Wetlands. Avoid impacting wetlands during

- management during construction. b. Will comply with BSP recommendations.
- a. Submit a drainage plan for managing stormwater on site.

Recommendation:

- c. Will coordinate with GEPA during building permitting.
- b. Implement BMPs to control erosion and runoffs during and post construction in

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: BSP

Item No.	SUMMARY OF COMMENTS	RESPONSE
	accordance to CNMI/GUAM Stormwater Management Manual. • 2.1 Construction Stormwater Treatment Criteria and Standards; • 2.2 Post Construction Stormwater Treatment Standards and Criteria; • 3.2 Acceptable Post-Construction BMPs. c. Consult with the Guam EPA for effective implementation of stormwater management practices.	
6.	Low Impact Development (LID). The applicant is encourage to implement LID practices. See paragraph 2, of section 6 of position statement. An electronic file of the guide book "Island Stormwater Practice Design Specifications" is available at the CZMP office.	Will adhere to the recommendations contained in the "Island Stormwater Practice Design Specifications" where applicable and LIDs where practicable.
7.	Historic Preservation. To preserve historic properties and artifacts, the applicant is [advised] to coordinate with the Dept. of Parks and Recreation, Guam Historic Resources Division, when excavation is involved.	Will comply with Parks and Rec requirements in preserving historical artifacts, if discovered during construction activities. Prior to excavation, Parks and Rec Guam Historic Resources Division will be advised.
8.	Beach Access. Beach access in accordance to 21 GCA Real Property Ch. 65 shall not be impeded at all times. Agreements with applicant for provision of releasable access to and use of resources of public nature located on such land.	An unimpeded concrete paved access is provided and is presently accessible directly from Route 4.
9.	Invasive Species and Native Flora. The applicant is [advised] to preserve native vegetation on the property. Native plants like Hibiscus tiliaceus (pago tree and Nypa frutican (nipa) are included.	Studies have found no endangered or protected species of vegetation within the proposed construction area. If found, all native plants will be preserved with care.
10.	Landscaping. Consult with Dept. of Agriculture for use of organic fertilizers or pesticides for landscaping to avoid contaminants from entering the Pago River and Bay. Consult with GEPA for use of such products.	Will coordinate and work with Dept. of Agriculture during landscaping work. GEPA will be consulted prior to using fertilizers.

Item No.	SUMMARY OF COMMENTS	Agency: GEPA
1.		RESPONSE
1.	Stormwater Disposal Management Plan:	71
	- 7	The applicant will prepare storm water
	a. There are no design and hydraulic	management plans during building permitting
	calculations for the proposed	period. The plan will be prepared in
	stormwater management plans to	accordance with 2006 Guam/CNMI Storm
	ensure proper storage and discharged of	Water Management Manual.
	stormwater runoff, which will be	
	generated after full development of the	
	property. A soil investigation and	
	percolation test must be conducted to	
	determine the rate of percolation.	
	b. The water table is a major setback in	
	designing an effective drainage system.	
	The EIA short form (item 9) indicates	
	that the type of soil within the proximity	
	and footprint of the project is	
	considered to have a high water table,	
	which could limit the capability of	
	stormwater percolation and settlement.	
	Stormwater percolation and Settlement.	
	Recommendation:	
	Conduct a comprehensive soil analysis	
	to determine percolation rate, taking	
	into consideration the water table, to be	
	used as a basis of design for a	
	stormwater management plan.	
	and the state of t	
	2. Comply with the requirements of the	
	2006 Guam/CNMI Stormwater	
	Management Manual and provide a pre-	
	treatment	
2.	Wastewater System:	
		During Phase 1 of Pago Bay Resort
	a. The proposed sewer connection is an	development in 2008, capacity of the Pago
	existing stub out that was provided from	Double Shaft Pump station was reviewed and
	the 98 single family residences (Pago	found to be sufficient. The results were
	Bay Resort) on Lot 155-NEW-R1, GLUC	reviewed with GWA and have agreed that the
	application No. 2007-84 and was	existing pump station will be able to handle a
	approved on March 14, 2008.	future Pago Bay development without any
	b. In this same application, GWA is	modifications. Appropriate stub outs were
	requiring that the applicant generate	prepared in anticipation of future connection

Double Shaft and New Chaot Sewer	DECDORICE
Double Shaft and New Chaot Sewer	RESPONSE
capacity required to accommodate the proposed wastewater load. c. GWA advised the applicant that the gravity sewer lines on Route 4, downstream of the new Chaot SPS termination manhole and on Route 1, are at capacity. d. GWA notes: "Until projects are implemented to upgrade [these] areas, this subdivision (Pago Bay Resort) will be unable to connect to the sewer." e. According to GWA on March 13,2008, a review to determine specific requirements for these areas is in	(Phase 2 and 3). All sewer installation inspected by GWA personnel and have determined that the gravity sewer system within the development have complied with all GWA standards. There are no sewer lift stations within the development. Chaot SPS and manholes at Route 1 is beyond the scope of this development. Comments listed by GWA in 21008 (b, c, d, e, f and g) were made during "Utility Moratorium: period. Since then, these comments were no longer contained and repeated in GWA recent ARC reviews. Wastewater discharge from swimming pools will not be connected to sanitary sewer system.

Item No.	SUMMARY OF COMMENTS	Agency: GEPA RESPONSE
	Applicant must submit the results of the	
	aforementioned studies and provide	
	information on any projects completed	
	in support of the application.	
	2. The sewer discharge must be contained	
	in a holding tank and a pump station	
	with a capacity of 24 hours to allow	
	schedule of pumping by GWA during no-	
	peak hours.	
	3. The proposed discharge points must	
	bypass the Pago Double Shaft Sewer	
	Pump Station.	
	4. Cleaning and maintenance of any	
	swimming pool must not be discharged	
	to the sewer system. It must be	
	pumped by a private company and	
	discharged at an acceptable location.	
	5. The wastewater pump station requires a	
	certified operator to operate for	
	compliance with the 10 GCA Chapter 52,	
	the "Water and Wastewater Operator's	
	Mandatory Certification Act."	
	Pumping of sewage to GWA's gravity	}
	main must be schedule during non-peak	
	hours.	
3.	Water System:	
		Water main connection from GWA to the Page
	a. The proposed connection is at the	Bay Resort development (Phase 1, 2 & 3) was
	existing Pago Bay Resort is supplied	made after discharge head of the Pago Booste
	after the GWA Pago Bay Booster Pump.	Pump Station at the recommendation of GWA
	b. The required Maximum Daily Demand is	Engineering. This was to mitigate potential
	172,800 Gallon per day, which is equivalent to the production of a 100-	elevation problems and to prevent possible
	GPM water well.	pump cavitation problem.
	c. The project is at the lowest elevation,	A syntag at a same to all so its in the
	therefore all available water in the	A water storage tank within the project
	distribution pipes could be exhausted by	development will be considered, if necessary.
	tis facility, and customers at higher	However, this is a less desirable solution in
	elevations could be impacted with low	terms of water safety and redundant repressurizing mechanical system.
	to no water pressures.	pressureing mechanical system.
	LUTIU WATEL HIENNIEN	la contraction of the contractio

	Bay Marina Resort Case No: 2015-29	Agency: GEPA
Item No.	SUMMARY OF COMMENTS	RESPONSE
	Recommendation:	If approved by Government of Guam, alternate non-potable underground and storm water will be considered for landscaping use.
	 The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow. The water point of connection must be before the Pago Booster station to conserve energy. Non-potable water for landscape and other non-domestic used must be 	
4.	explored by collecting rainwater. Other: a. Wetland area must be protected and a buffer of 30 feet must be maintained. b. The project must comply with all the	There are no activities planned within the Wetland. Safe distance markers will be posted to prevent construction equipment from entering the wetland.
	requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e., Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.)	Solid Waste Management Plan, Boring and Dewatering Permit & Air Emission permit will be prepared during building permit application

Project: Pago Bay Marina Resort

10.

Further system impact assessment may be

GPA's existing power facilities.

required to determine the effect of this facility on

Case No: 2015-29 Agency: GPA Item No. **SUMMARY OF COMMENTS** RESPONSE 1. Compliance with National Electric Code, National Will comply during design and during building Electric Safety Code, GPA's Service Rules and permitting process. Regulations. 2. Coordination with GPA for overhead/underground Will comply with the requirements. Power requirements. 3. Maintain minimum clearances as defined by the Will comply with the standards. National Electrical Safety Code and National Electrical Code. 4. Maintain adequate clearance between structures Will comply with the standards and and electric utility easements in accordance with requirements. ESC and GPA requirements. 5. Developer/owner shall provide necessary electric Will comply with the standards and Utility easements to GPA prior to final connection. requirements. 6. Provide any revisions to scheduling and magnitude Will comply with the requirements. of project power demand requirements for new Loads. 7. All relocation costs for GPA's facilities, if necessary, Will coordinate any and all cost items with are 100% chargeable to the applicant including but GPA. not limited to labor and materials. 8. Required system upgrade will be charged to the Developer will coordinate and identify any and applicant. This includes relocation costs, new all relocation costs, new installation costs and installation costs and all costs associated with all costs associated with modification of GPA modification of GPA facilities. facilities for work directly associated with providing power to the development. 9. Primary distribution overhead and underground Will comply with requirement of GPA's Service line extensions and GPA service connections must Rules and Regulations. adhere to the guidelines outlined in the current Issue of GPA's Service Rules and Regulations.

To be identified by both applicant and GPA.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GWA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	GWA recommends applicant to coordinate with the GWA engineering department in advance of the building permit application submittal, to discuss the proposed project's impacts on existing water and sewer infrastructure improvements.	Will comply and coordinate with GWA prior to building permit.
2.	Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.	Will comply and provide details.
3.	The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.	Will provide revised water demand calculation to include pool, water park and other amenities using water and sewer sources.
4.	If water and sewer infrastructure facilities are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.	Will comply and undergo installation inspections by GWA personnel.
5.	The applicant shall install the water meters in the right of way or easement.	Will comply.
6.	If the development will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities.	Grease traps and backflow preventers will be provided.
7.	New development is subject to water and/or sewer system development charges (SDC).	Will comply with this policy.

Celine Cruz

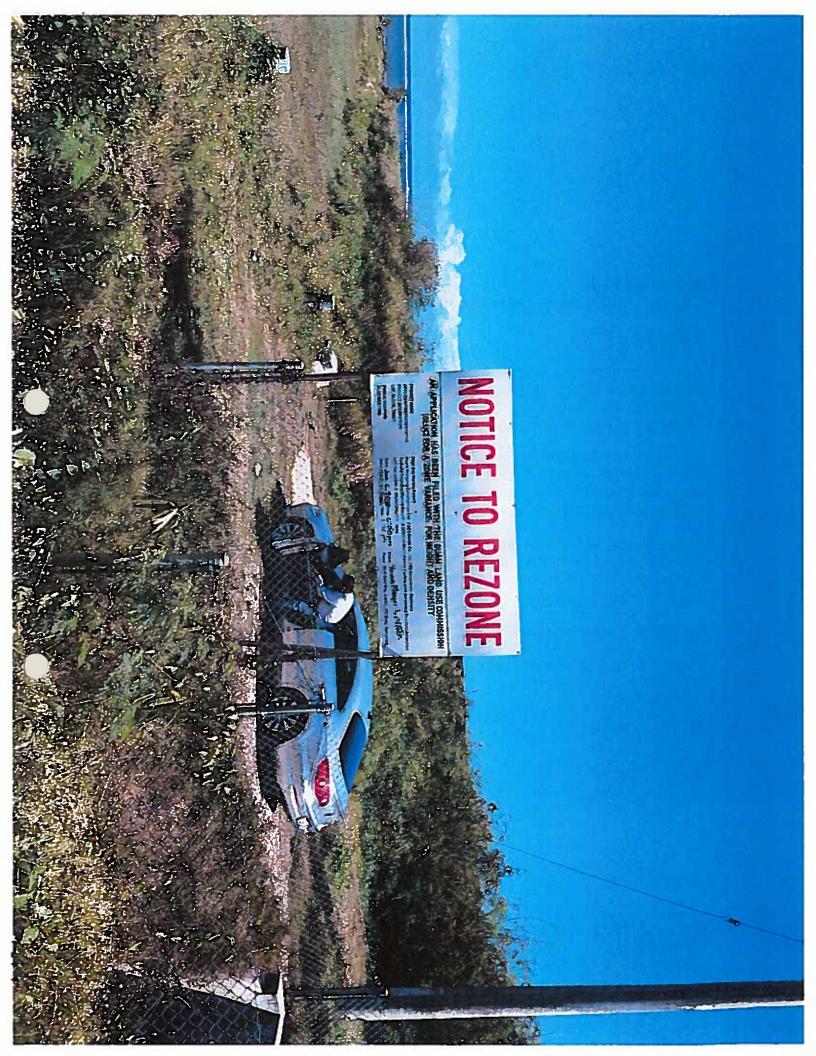
Richard J. Sana < richardjsana@yahoo.com> From: Sent:

Wednesday, March 02, 2016 2:27 PM

To: Celine Cruz Subject: PBMR signage

IMG_1299.JPG; ATT00001.txt **Attachments:**

Posted 3-01-16



Adrian Gogue P.O. Box 1121 Hagatna, Guam 96932 magahet4@gmail.com

9 February 2016

Mr. Michael Borja Director, Department of Land Management

Hafa Adai Mr. Borja,

I am Adrian Gogue, a resident of Ordot-Chalan Pago and I am unequivocally opposed to the Guam Wangfang Construction, Ltd's Zone Variance for Height and Density Application No. 2015-29 Lot. L164-4NEW-1 to build a 300 unit multi-family residential facility within a destination to be known as the Pago Bay Marina Resort¹.

I am humbly asking the Guam Land Use Commissioners and other decision makers in this application process to disapprove this variance application. I am concerned about what the adverse impacts would be to our beautiful Pago Bay, ancestral and cultural history, ecosystem, environment, and infrastructure if this application were approved.

I have also put together an article based on my research against this development and reasons why we should be saving Pago Bay. Please include my letter and article as written testimony for the Guam Land Use Commission's public hearing and meeting on subject variance application.

I can be contacted at 488-6578 or via postal and email address listed above.

Thank you for your time and dang'ka'lu na si Yu'us ma'ase!

Sinseramente,

/s/ Adrian Goque

¹ Guam Wangfang Construction Ltd Application for Zone Variance For Height and Density, September 17, 2015



ADVERTISEMENT

Face-to-face: developers meet with Pago Bay residents

Posted: Jan 07, 2016 5:15 PM Updated: Jan 07, 2016 6:35 PM By Ken Quintanilla CONNECT

They say strength is in numbers, and that certain proved to be the case on Wednesday night as scores of members of the community came out to stand against the proposed high-rise development in picturesque Pago Bay. And it was also the first face-to-face meeting with the developers of the controversial project.

For the first time, the people behind a high-story development along Pago Bay met directly with Island residents, who strongly came out in force, expressing their concern and opposition to the project.

"It's beautiful," said Basil O'Mailan of the picturesque surroundings at Pago Bay. He added, "If you look at the cliffline over there at Pago Bay it's beautiful and you're going to put an ugly building. I don't care how pretty your building is, it's going to be ugly compared to nature." That building, said O'Mallan, a lifelong Yona resident, is the Pago Bay Marina Resort – a two-tower, 14- and 15-story high project consisting of 304 condominium units.

The island community came out in force during a Guam Land Use Commission public hearing on Wednesday night. O'Mallan says he strongly opposes the project, saying, "It's going to suck the water out of the water lines, it's going to regurgitate all into the sewer lines which cannot handle it. You're going to put more concrete in an area; we already have flooding."

Guam Wanfang Corporation is seeking a zone variance for height and density from the GLUC. John Scherman is the project engineer and says at 100% capacity, the area would see an increase of nearly 1,000 people. He says they are working with regulatory agencies to address water and sewage issues, noting, "When we investigated the sewer lift station capacity it was operating approximately at around 40% to 50% capacity of its original design, so we think adding 300 units of this condominium will not impact it.

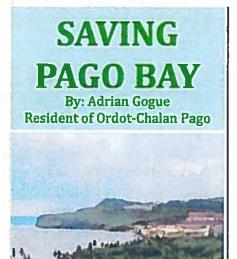
"In fact, it will actually help the performance of the pump that it was originally designed for because it is under-utilized."

Richard Sana is the consultant for Guam Wanfang and says the project is about the future. "I know it sounds bad to build high-rise buildings, but as I said, as our population grows and your children grow and they have children of their own, where are they going to build, most of the local people have sold out all their properties," he shared.

And while he wasn't born and raised here, Yona resident Craig Burns says his son will grow up on Guarn and have to face the impact of this project. He said, "But it sets a precedence and none of want an island that's a condominium or hotel - people come here for the natural environment. And if that's gone, what's left?"

Before she was the Port Authority of Guam's general manager, Joanne Brown was at the Guam Environmental Protection Agency. She says another hotel development was constructed in Mangilao and she witnessed issues it encountered with water and promises to build water wells and sewer lines to mitigate the problem never happened. Along with environmental concerns, she raised issue with the adverse affect it would have on the quality of life for herself, her family and everyone who calls Pago Bay home.

"It's not about money," she announced. "At the end of the day, you guys are



The 21st Century Developer (Giant Fish) That Ate Pago Bay

Photo Source: Guampedia com asticle,

According to Chamorro legend, a giant fish ate away the central part of the island, thus forming Pago Bay. To save the central part from being further eaten by the giant fish, Chamorro women wove a giant net from their hair and captured the fish to prevent further damage to the island.

Sadly, this legend has become reality. A 21st century developer (giant fish) has already "eaten" away the bay's lush green landscape and developed the Pago Bay Resort. If you drive by the resort along Route 4, you'd notice only a handful of homes are built out of a proposed 98 home community. This is because the resort is most likely unaffordable to the

SAVING PAGO BAY PAGE 1 18 January 2016 overwhelming majority of islanders to purchase property and build a home there.

Furthermore, another developer threatens this beautiful bay with an application to obtain a height and density variance in order to build 14-story and 15story tower condominiums in the adjacent area next to the Pago River. These towers will be twin monstrosities that stick out as evesores in this serene coastal part of our island. We can stop this development and the further destruction of Pago Bay by telling the Guam Land Use Commission to disapprove this application.

Here are some of the reasons why we should be saving Pago Bay:

1. Pago is an ancient Chamorro Village

Located on the eastern coast of the island of Guam, Pago is one of the oldest villages that predate Spanish contact with the ancient Chamorros. The village was settled near the mouth of the Pago River, which feeds into Pago Bay, the largest bay on the island; it is also the site of several important archeological investigations. Source: http://www.guampedia.com/pago/

Impact: If the variance application is approved to further commercially

develop Pago, this will be a near-irreversible process that will contribute to the destruction of our ancestral and cultural history. We should be preserving, not destroying.

2. Pago is full of abundant natural resources in the area

The village name Pago is likely derived from the Chamorro word pago (pagu), which is the wild hibiscus plant that grows abundantly in this area. The bark of this species of hibiscus traditionally was used to make ropes. Source: http://www.guampedia.com/pago/

The Pago ecosystem also consists of the pang'lao (land crab), mangrove crab, freshwater fish, migratory birds, wetlands, and nypa palm to name a few.

Impact: The loss of natural habitat and encroachment as a result of this development will be detrimental to the environment and local ecosystem.

3. Title 21 Guam Code Annotated for Real Property

Source:

http://www.guamcourts.org/ CompilerofLaws/GCA/title21. html

a. Chapter 61 Guam Zoning Law:

In a R-2 Multiple Dwelling Zone, a permitted use is "...Hotels, private groups, and institutions."

Yes, the developer can build a hotel in a R-2 zone, and may do just that according to an article posted on KUAM.com, "While they intend to market locally the development can be later used as hotel for a long-term arrangement." Source: Guam Wangfang representative comment in KUAM.com article posted 4 Jan 2016

Our beautiful Pago Bay is not Tumon Bay and building these towers will turn one of our island's iconic scenic bays into something it is not.

What is the target demographic for this resort? According to the developer's variance application on page 5, "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis." The developer further states in the application the "commercial areas and facilities are designed as amenities for the facility residents and their guests, and may only be opened to the public with special invitations and accommodations."

The developer's representative also told KUAM News "this is a low-impact project and will cost around \$75-90 million."

Really, what's low-impact about millions of dollars? In order to recover the cost of building this resort the developer will most likely market to big fish/big money investors and buyers. The condominiums would most likely be unaffordable for the overwhelming majority of our islanders, just like the adjacent Pago Bay Resort.

b. Chapter 61, § 61401. Height Limit Established.

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three stories shall not exceed a height of thirty (30) feet)...

According to the developer's front elevation drawing on page 73 of the application, the proposed heights for these towers are approximately 150 and 170 feet respectively. Thus, the variance in height is approximately 400 percent greater than the 30 feet maximum allowable height.

Further, the application states the variance in density is required because the development exceeds the maximum allowable by 65 units.

Basically, the developer wants to build in excess of what is allowed.

Impact: If this application is approved these 14-story and 15-story monstrosity towers will forever alter the landscape and stick out as eyesores in a scenic area. What's to prevent future developers from building other towers throughout our beautiful Pago Bay and other scenic bays: Ylig, Talofofo, Inarajan, Merizo, Umatac, Cetti, Sella, and Agat. This is the seed that will grow wildly and out of control.

c. Chapter 61, § 61504 Statement of Purpose: Building and Building Height Restrictions in Beach Areas

"...the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-being of the people of the territory by increasing the pollution of tidal waters. that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by

SAVING PAGO BAY PAGE 3

construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches."

Further, "Along any beach in the territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high watermark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark."

d. Chapter 63 Territorial Seashore Protection Act of 1974:

No permit shall be issued unless the Board has first found:

- That the development will not have any substantial adverse environmental or ecological effect...
- The applicant shall have the burden of proof on all issues.
- There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.

What we don't know What is the master plan for this proposal?

Ancestral and Cultural

Preservation

- Utilities (power and water)
- Road Network and Safety
- Traffic and Congestion
- Wastewater/Sewage
- Habitat and Environmental Impacts

What are the GovGuam agencies inputs and assessments? Department of Agriculture, Department of Public Works, Environmental Protection Agency, Guam Power Authority, Guam Waterworks Authority, etc.?

These are only some of the reasons. Whatever your reasons may be, together let us save Pago Bay.

What we can do to save our beautiful Pago Bay

- Contact the Director,
 Department of Land
 Management and Guam Land
 Use Commissioners at 6495263 to let them know you
 want this application
 rejected and disapproved.
 You can also submit your
 written inputs and
 testimonials against this
 development. The
 Department of Land
 Management is located at:
 590 S. Marine Corps Drive, 3rd
 Floor, ITC Building, Tamuning.
- Read the Guam Wangfang Variance Application and become familiar with its

contents. The application can be found online at: http://dlm.guam.gov/gluc-applications/

- Contact our elected leaders and tell them NO to this variance application: Mayors, Senators, etc.
- Voice your opposition in the press and in social media until this application is rejected and disapproved.

On 6 January 2016, a public hearing was held at the Yona Community Center. The hearing was well attended and the local media reported the public's overwhelming concerns in their coverage. For example, the Guam Daily Post stated in their article. "From Ipan to Ordot, more than 100 residents attended a public hearing at the Yona community center on Wednesday to voice concerns about proposed construction along the Pago River at Pago Bay." Source: http://www.postguam.com/l ocal/news/43721-concernsraised-over-planned-pagobay-resort.html#.VpYr-**UugHR0**

TODAY, WE CAN MAKE A DIFFERENCE IN SAVING PAGO BAY FOR FUTURE GENERATIONS TO ENJOY.

Thank you and dang'ka'lu na si Yu'us ma'ase!



Thursday, 07 January 2016

Residents Fill Public Hearing With Comments Against Proposed Pago Bay Marina Development

Written by Clynt Ridgell (/local/author/150-clynt-ridgell)



(http://digg.com/submit?

url=http%3A%2F%2Fwww.pacificnewscenter.com%2Flocal%2F7348&title=Residents%20Fill%20Pub



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u=http%3A%2F%2Fwww.pacificnewscenter.com%2Flocal%2F7348&t=Residents%20Fill%20Public%;



(https://plus.google.com/share?

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(http://www.stumbleupon.com/submit?

url=http%3A%2F%2Fwww.pacificnewscenter.com%2Flocal%2F7348&title=Residents%20Fill%20Pub



(http://twitter.com/share?

text=Residents%20Fill%20Public%20Hearing%20With%20Comments%20Against%20Proposed%20F



(http://www.linkedin.com/shareArticle?



(/media/k2/items/cache/670aa458a091044f782e27dee9520a6c_XL.jpg)

The proposed twin tower condo development near the mouth of the pago bay river received a lot of criticism and opposition from residents who will be affected.

Guam - Numerous residents were visibly angry when they voiced their concerns about a proposed two tower high rise condominium in the Pago Bay area. Yesterday the Guam Land Use Commission held a public hearing on the proposed project.

Residents filled the Yona community center last night to voice their concerns about the proposed Pago Bay Marina Resort.

"The land crab coconut crab mangrove crab. That is their route to recycle...to mate right?" said a concerned elderly Chamoru man who did not give his name adding, "You ruin the beauty of that area and how in the world could a developer build a condominium right at the mouth of the river? What kind of fertilizer? What kind of chemicals do you use to clean the swimming pools or whatever you have in that area? When you build the condominium that river is right there. Don't tell me it's not going to affect the environmental aspect of it. I'm totally against it."

Black Construction Executive Vice-President Tom Anderson lives near the proposed development. "The Pago river is not stable. Come heavy rains that thing swells to the point it runs over the bridge floods the entire area and you're talking about having a hotel that has a footprint that sits right in the middle as far as I'm concerned a flood plain. Now that's an environmental problem I don't know that you can overcome," said Anderson adding, "So your saying maybe 700 to a 1000 people are going to now be in that area. Rt. 4 is a dangerous road down by the bridge and it is difficult to get in and out on that road during the mornings and evenings because of the traffic. If you increase that

by 700 to a 1000 people you're gonna have such an impact on the traffic control that it would be unbelievable. I don't know what you have in mind as far as improvements are concerned but it's gonna be something major to develop enough room for the vehicles alone...let alone the people." Anderson is also concerned about the demand on the water and waste water infrastructure. He says he already lacks the water pressure needed to get an adequate water flow into his house. Project engineer John Sherman says they believe there is adequate sewer and water for the condos. "We think adding 300 units of this condominium it will not impact in fact it will actually help the performance of the pump that was originally designed for since it is underutilized," said Sherman.

Others were upset about how the proposed towers would change the serene tropical landscape. "The towers will forever alter that beautiful landscape down there and what's to prevent future developers from erecting other monstrosities in our beautiful area down there? This is the seed that's gonna grow wildly and out of control. they do it once probably they'll do it again," said Adrian Gogue.

A representative of the developers, Richard Sana of FC Benavente Planners addressed the crowd saying, "I sense everybody's desire to preserve the pristine condition of the island but you have to remember we're growing in population all the time every year. Soon we won't have enough land to build horizontally the only resource is to build up."

Sana and other representatives of the developers were the ones facilitating or holding the hearing. Joanne Browne spoke in her personal capacity saying, "I've never been to a land use hearing where we're here testifying to the developers and they're responding to us when all these people here want to provide input. So who here is from the land use commission that is taking our testimony? So that when they have to make a decision on this we actually can see them face to face. So they know what the rest of us and sorry we're not all transplants...I'm not here to debate you I'm not even here to listen to you because I know you're gonna tell me how everything is wonderful and how you're going to mitigate it. And Mr Sana you recall when Ladera towers was constructed I recall when Ladera towers was constructed because I was at EPA at the time. And you have relatives that live up there in Mangilao and when they built Ladera towers it has the capacity of a thousand people. They connected that to a two inch water line. They promised they would built two water wells for GWA. They promised they would upgrade the sewer line to the facility years later. It never happened. That's why those of you that live up there or know people that live up there they can't even get water to the second floor apartments and condominium units that are up there that were built many years ago because the impact of this development. The land use commission will set conditions. They will promise us the moon. They will tell us everyting is wonderful all this other stuff about wetlands is absolute B.S."

The developers continued to assure the public that they would not negatively impact the

environment infrastructure or the quality of life of residents in the area however most of the public remained skeptical.

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Pago Bay project opposed



Developers of the Pago Bay Marina Resort project were met with strong opposition by residents during a zone variance meeting held at the Yona Community Center on Jan. 6. Rick Cruz/PDN

Jerick Sablan, jpsablan@guampda.com

11:14 p.m. ChST January 9, 2016



,: Photo: Rick Cruz/PDN)

Some residents expressed strong opposition for a proposed project to build residential towers near Pago Bay.

A public hearing on the zone variance for the proposed Pago Bay Marina Resort was held Wednesday at the Yona Community Center. The plan for the resort includes a 14-story tower and a 15-story tower, which will house a total of 304 condominium units, said FCB Planners' Richard Sana, principal planner for the project.

Guam Wangfang Construction Company, with consultant FCB Planners, is developing the project. The resort, iocated in Yona along Route 4 just south of the Pago River, will offer a health spa, an indoor and outdoor coffee shop, a restaurant, a retail shop and function rooms, an application to the Guam Land Use Commission states.

Outdoor amenities include freshwater swimming pools, a water park, sun decks, as well as walking and jogging pathways, the application states.

The height of the buildings would create a smaller footprint and preserve the wetland that surrounds the area, Sana said.

A 'monstrosity'

Several residents at the hearing called the project a "monstrosity."

Adrian Gogue, a resident of Ordot/Chalan Pago, compared the development to the Chamorro legend of the big fish that ate Guam, which ate away at part of Pago Bay.

"it's a 21st century dangkolo na guihan, giant fish, makakanno I tano gi Pago Bay, eating away at Pago Bay land," he said.

He said the two towers would turn Pago Bay into something that is isn't.

"That's not Tumon Bay; it's not Waikiki. It's beautiful, scenic Pago Bay the way we know it today," Gogue said.

He also questioned what the project's demographic would be, saying it would most likely be unaffordable for most residents. He also raised concern about the crabs that make their way through the area.

"Yanggin malak I pulan ti manhuyong sa gaige i condominium (When the moon shines they can't get out because the condominium is there)," he said.



A rendering of the proposed Pago Bay Marina Resort as prepared by Ordot Chalan Pago Mayor's Office. (Photo: Courtesy of the Ordot Chalan Pago Mayor's Office)

Water concerns

Tom Anderson, executive vice present of Black Construction and a resident of Chalan Pago, said the Pago River isn't stable and come heavy rain, there is flooding in the area. The project is also near an area of Route 4 that is very dangerous and would have a big impact on traffic, he said,

"It would be unbelievable," Anderson said.

He questioned what the developers would do to improve the road and traffic in the area.

Anderson also was concerned about the water in the area. His home and others have problems getting water. The project would create a huge demand on water, he said. He also was concerned about the sewage and whether it would be able to handle the increased population.

John Scherman, engineer for the project, said he was thankful for the public's input. He said there will be a demand on utilities and the developer is working with various agencies to address those concerns. He said sewer shouldn't be an issue because a pump that was installed in the area is being underutilized.

"It would help the performance," he said.

Anderson said he didn't believe a project that large wouldn't have much impact to the community.

"If you want us to all say yes it's fine, you're way out of line," he said.



Staten Pago property owner ≎oenne Brown speaks out against a zone variance requested by the developers of the Page Bay Marina Resort project during a meeting at the Yona Community Center on Wednesday, Jan. 6. Developers Guam Wanglang Construction Company, working with consultant FCS Planners. were met with strong opposition to the project, 304-unit structure consisting of a 14-story and a 15story residential tower, to be built near the mouth of the Pago River. (Photo: Rick Cruz/PDN)

Board not present

Joanne Brown, general manager of the Port Authority of Guam and a longtime resident of Chalan Pago, questioned why the Guam Land Use Commission's board members weren't present at the meeting. She said it was pointless to speak at the meeting if the people making the decision weren't present to hear residents' concerns.

Department of Land Management Director Mike Borja said the commission will have a public hearing to discuss the matter before it votes on the application and the public will be invited. No date has been set for the commission to discuss the application. Borja also said the commissioners didn't need to be present at the hearing because it was an opportunity for the developers to address concerns from residents.

Brown said she was dumbfounded that commissioners weren't present and said it was inexcusable.

Brown said her home, like many others, is her largest investment and living in Pago Bay means quality of life for her family. She said the condominium project has no business in the area.

"You're proposing changing our lives, changing the community we love and care about very much. That to me is not OK," Brown said.



PACIFIC DAILY NEWS

304-unit residential development planned for Pago Bay

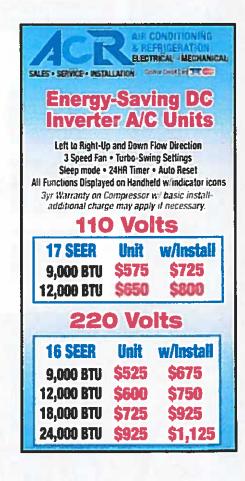
(http://www.guampdn.com/story/news/local/2015/12/24/304-unit-residentialdevelopment-planned-pago-bay/77863602/)

Basil O'Mallan, a resident of Yona, said he drives down the hill every day through Chalan Pago and can't help but look at the beautiful view of Pago Bay and said the project would be an eyesore.



A rendering of the proposed Page Bay Marina Resort as prepared by Ordot Chalan Page Mayor's Office. (Photo: Courtesy of the Ordot Chalan Page Mayor's Office

Read or Share this story; http://www.guampdn.com/story/news/2016/01/09/pago-bay-project-opposed/78455454/



looking at money, and you're looking at big money." She further raised issue with how no actual members of the GLUC were present to hear the concerns.

Brown said, "But if all this stuff will get regurgitated by staff and maybe they'll read the report, I can see how this will go salling through. And I also know how people connected to people can make things happen, even when the community speak out against it. And I think we need to be very diligent about that."

Once all the testimony is recorded, the GLUC will hold a second public hearing before the actual commissioners. You can submit written comments to the GLUC, which is located on the 3rd Floor of the ITC Building in Hagatna, or call 649-5263 ext. 300.





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Rosita & Joanne Salas Brown 1099 Chalan Kanton Tasi Pago Bay, Chalan Pago, Guam 96910



March 9, 2016

To: Chairman, Guam Land Use Commission Executive Secretary, Guam Land Use Commission Department of Land Management P.O. Box 2950, Hagatna, Guam 96932

As lifetime residents of Pago Bay, we stand in **strong opposition** to the request for a Zone Variance for Height for a proposed 304 unit multi-story, multi-family dwelling for the Pago Bay Marina Resort on Lot 164-4NEW1requested by Guam Wangfang Construction Ltd.

Our property, Lot No.L3322-3-1 New is located within 500 feet of this proposed development. We have attended the public hearing held in the village of Yona on Wednesday, January 6, 2016 at the Yona Community Center and the hearing held before the Land Use Commission on Thursday, February 25, 2016 at the Department of Land Management Conference room located in the ITC Building in Tamuning. At both hearings we have voiced our clear opposition to this project.

The Applicant, Wangfang wants to construct two multi-story, multi-family dwellings with a height of fourteen (14) and fifteen (15) stories. This is an outrageous request by this applicant as there is absolutely no other structure in Pago Bay that exceeds beyond the height of three (3) stories. In most cases, the vast majority of Pago Bay residents live in a single one (1) story or (2) story residential homes. The height variance requested by this developer is totally incompatible with the existing community in the Pago Bay area and will serve little benefit to the rest of the village community.

In Wangfang's submittal, the company states that the "Pago Bay Marina Resort targets off-island clientele, who will be residing on Guam on a non-permanent basis." This directly concerns us as single family homeowners who live on Guam year round and are decedents of many generations of Pago Bay residents. This proposed project will drastically change the natural environmental landscape, quality of our life, and existing residential and family community in which we as members respect each other and live as compatible neighbors to each other. Who we are and how we live is in total contrast to the proposed high rise tower projects that intends to permanently alter our Pago Bay community for the sake of an "off-island clientele" who are not fully invested, heart and soul, nor have any intentions of being fully invested in the Pago Bay community.

Rosita & Joanne Salas Brown Ltr. To GLUC Page 2

The consultants for this project have talked about amenities such as a restaurant and commercial facilities that will be constructed into this project. However, these areas will not be opened to the Pago Bay community or island residents without a special invitation. The consultants have even gone as far as offering a token boat ramp to the Guam Fire Department to pander favorable testimony for this project. A boat ramp can be constructed to service the community in Pago Bay, assuming environmental and Army Corps studies are compatible, without having to sell out the residents of Pago Bay lock, stock and barrel. This was recently evident with the re-opening of the Guam Fire Department's Rescue Unit 1 in December of 2015 after a twenty-three (23) year absence at the Hagatna Boat Basin that was reconstructed with federal funds to provide emergency rescue response for Guam boaters and residents alike. All of this happened without having to sell out the residents of Hagatna.

The consultants have stated before the Commission, that this proposed project with have little impact on water and sewer capacity in the Pago Bay area. For those of us that have lived in this community for many years, we are very familiar with low water pressure, particularly during the rainy season when GWA shifts water from Northern Guam to village residents in the South as a result of high turbidity at the Ugum Water Treatment Plant. If there is any additional capacity in the sewer lines in our community, it is the village residents that should have the first opportunity to hook up to the sewer line and not the Wangfang developer. What the consultants have not relayed to the Commission is that a significant number of village residents in the Pago Bay area are not connected to the main sewer line on Route 4 as GWA has yet to construct adjacent lines to service the hundreds of residents in Indalado Road/ Monessa G. Lujan Street or Chalan Inda. Except for the Pago Bay housing development constructed in the 1970's that has its own packaged treatment facilities, and a few houses adjacent to Route 4, the rest of Pago Bay residents are on septic systems. Why should the Wangfang development have more priority over the existing long term residents that have invested for many years in the GWA infrastructure?

The consultants continue to sidestep the issue with regards to any improvements that the proposed development will contribute to alleviate the existing traffic congestion on Route 4 that extends from the Route 4 and 10 intersection, extends to the Maimai and Chalan Santa Cruz intersection, to the Ordot intersection, to the Sinajana intersection and on down to the Hagatna Route lintersections. The Wangfang developer intends to add over eight Hundred (800+) "offisland clientele" that miraculously will not add any additional traffic to what is already bumper to bumper traffic in the morning for motorist traveling from the South on Route 4 heading into Hagatna. This same traffic congestion situation also repeats itself in reverse during the early evening hours stretching from the Hagatna McDonalds to the villages of Yona, Talofofo and beyond for motorist heading back down South.

The consultants have talked about long term employment benefits for the residents of Guam. However, their development plans only sets aside forty (40) parking stalls for its future employees. We as residents are expected to sacrifice so much of our community in exchange for

Rosita & Joanne Salas Brown Ltr. To GLUC Page 3

so little benefit. The most recent hotel constructed in Tumon far overshadows and exceeds the minimal employment opportunities that are offered by this proposed Wangfang development.

The Wangfang consultants have tried to justify the need to construct a monstrosity of a fourteen (14) and a fifteen (15) tower high rise on the remaining seven (7) acre parcel of the Pago Bay Laguna Resort as a result of the lot having over thirty percent (30%) of wetlands adjacent to the Pago Bay River, reiterating their desire to protect the wetlands to justify building so high into the Pago Bay skyline. The protection of the wetlands and the adjacent river are mandated by law and are not open to optional manipulation by the developer. The developer, who has already obtained an R-2 zoning on this lot wants even more, excessively more than what was previously approved. Wangfang is the same developer that owned the larger lot that was parceled out under the Laguna Resort for individual housing lots leaving a measly seven (7) acres immediately adjacent to the Pago River and the Pago Bay Beach line to try and justify such an outrageous height variance request.

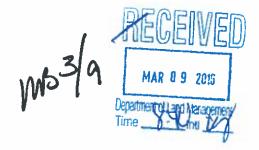
This proposed Wangfang development does not add to the improvement of the Pago Bay community or improve the quality of life of our people. We should not have to sacrifice the community that we have invested in and maintained for our families or our precious marine resources in Pago Bay for an "off-island clientele" and a developer that intends to drastically change and destroy our very way of life.

We request the Land Use Commission to **DISAPPROVE** this Zone Variance Height Request by Guam Wangfang Construction Ltd.

Sincerely,

Rosita & Joanne Salas Brown

Michael Borja
Dipattamenton Manmanhano Tano
590 S. Marine Corps Drive
ITC Building, Suite 733
Tamuning, Guam 96913



Hafa Adai, Senot Borja,

This letter is submitted to your attention of my Objection of the hotel construction project at Pago Bay Site. This construction project brings to light a number of concerns of the proposal use, the visual impact to the environment and the overall impact of the construction project on the site. Objection to this construction project are set forth as follows:

- Inappropriate Land Use: Objection to the construction project on the grounds that the proposal development of a hotel at the Pago Bay site is not an appropriate use for the hotel location and is also not compatible with the surrounding land use within the Pago Bay area to which it does not benefit the community more over the municipality and the citizens of Yona.
- 2. Traffic impact: Objection to the construction project on the grounds of insufficient traffic lanes that can and will impact traffic flow causing traffic congestion that can back up from the Yona Mobile Station down to Pago Bridge to this date. Route 4 is the main hub of travel route used daily by motorist not only from Yona village to include the villages from the Southern end of the island. This travel route can be detrimental to the First Responders from GPD, GFD and EMS when responding to emergencies most especially transporting the medical emergency patients to the medical facility.
- 3. Construction Impact: On-Going construction projects will have a significant adverse impact to the community from fully enjoying the existing natural environment as the construction materials are transported on and off site that can also impact the traffic flow from heavy equipment entering and leaving the construction site and after the hotel opens for business.

4. Impact to the Infrastructure: Access to water, power and sewage will be an impact to the community. Any plans to connect such utilities above ground will have a significant visual and environmental impact, whereas, burying such utilities below ground will require significant excavation along the main highway that will impact total disregard of the environment and will have an impact on traffic flow along the travel route.

In closing, my objection to this project only propels my concerns in standing firm of my disapproval of this development that poses disparity to the environment and the reality that will only benefit certain group and not the community i.e., the community of Yona.

Respectfully

David Q. Peredo Resident of Yona Village

EXHIBIT 1 WRITTEN TESTIMONIES

EXHIBIT 2 RESPONSE TO SENATOR FRANK AGUON

EXHIBIT 1

Michael Borja

From: Sent: Thomas Tanaka <gemss220@gmail.com> Thursday, March 10, 2016 12:00 PM

To:

Michael Borja

Subject:

Pago Bay Marina Resort

Dear Mr. Borja,

MAR 1 0 2015

Department of Land Management
Time 2-30 Intl 9

Thank you for providing the opportunity to submit testimonies in writing. My major concern re: this development is that I feel that the number of lanes in place may not be adequate to handle the anticipated flow to support the tenants of the development. There is presently no lanes to turn into the site. This situation will be magnified if this is not mitigated. The government has to insure that this development will not impact the quality of life for the citizens of the surrounding villages. Would the developers allow the use of some of the amenities such as the jogging path to the general public?

Thank you,

Thomas Tanaka Resident of Yona.

Michael Borja

From: Sent: Tricee P Limtiaco <tricee.limtiaco@guam.gov>

Thursday, March 10, 2016 10:00 AM

To:

John Arroyo; Victor F. Cruz; Chit Bathan; Tae Oh; Marvin Aguilar

Cc: Subject: Michael Borja; Cristina Gutierrez Fwd: Pago Bay Development

Commissioners - Sharing this with you.

MAR 1 0 2015

Department of Larky Management Time (2:30 Int.)

Si Yu'os Ma'āse, Tricee P. Limtiaco Special Assistant to the Governor Office of the Governor of Guam (671) 988-4549

----- Original message -----

From: Evangeline Lujan <vangelujan@yahoo.com>

Date: 3/10/2016 9:43 AM (GMT+10:00)

To: "Tricee P. Limtiaco" <tricee.limtiaco@guam.gov>

Subject: Pago Bay Development

Hafa Adai Tricee,

How are you? I am writing to you as a resident of Pago Bay. I hope you will consider the concerns of the residents in the area. The development will have negative effects to the character of the area - single family dwellings. It will bring increase traffic and impact to the watershed and the adjacent river ecosystems. I understand that the developer is promising a boat ramp. We have experience with issues related to unfulfilled promises from developers. An example is the Matapang Beach- once it changed owners, there was no longer beach maintenance and improvements. To put a boat ramp in Pago Bay will require the bay to be dredged....it isn't deep enough. Is the developer going to be getting all the required permits, including Army Corps permit? Will he be responsible for the mitigation of the impact to the coral reef and the nepa palms. Where would people park? Who would have access? To give up the bay for one developer seems rather short sighted. Getting a bay dredge for one boat rescue seems unreasonable. Where is the land for that?

UOG Sea Grant and the community are doing a large watershed restoration project for the Pago Bay watershed. If this development goes through, the work to save the reefs will be a wasted effort - since the bay will be dredged.

If this was a low impact development with low rise housing- which is already allowable is reasonable. To have a high rise in that area will have a negative impact to the residents of the area and the community feel of the area. Look at the impact to Ladera. Water pressure is low in the area. That is what is expected in Pago Bay when this development gets on line.

here are so many negative impacts regarding nature resources including the fishing pressure in the area, increase erosion potential, increase pollution from fertilizers used for landscaping. This area is a breeding ground for land crabs, during a full moon, many residents are seen hunting for carbs. This development will have an impact on this.

I am sorry for writing this so late, but just feel that GLUC has approved so many housing projects that have not delivered on promises of jobs, and benefit to the community. When I was at BSP, GLUC approved so many housing developments in anticipation for increase from the military and increase in tourism, before another large scale development is approved, I think it is important that GLUC reviews how may have been approved and it there is a need for these types of development. Just look at the project next to this one, barely 7 houses are there... the developer claimed that it is so critical to address the housing shortage and meet community need......few jobs were created and it doesn't seem like there was great demand. I think is development will be the same....why are will willing to change the character of the area, impact our natural resources, increase traffic, noise etc....for development that has not proved to be needed.....

Thank you for your service to the people and your interest in doing the right thing for the community.....vangie

ps I am going to a meeting so my grammar may be bad.....

We are i

MAR 1 0 2015

Department of Land Management
Time U. Dati Company

March 9, 2016

VIA HAND DELIVERY AND EMAIL: michael.borja@land.guam.gov

Mr. Michael J.B. Borja
Director
Department of Land Management
Government of Guam
590 S. Marine Corps Drive
ITC Building, Suite 733
Tamuning, Guam 96913

Re: Pago Bay Marina Resort Development

Dear Mr. Borja:

I am a resident of Guam and reside at 254 Sister Eucharista Street, Yona, Guam.

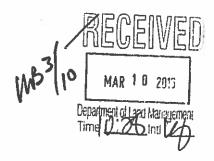
I am submitting this letter in opposition to Pago Bay Marina Resort's ("PBMR") application for a zone variance located in Yona along Route 4, just south of the Pago River.

I share the same concerns and objections put forth by residents of Yona and Chalan Pago relating to the traffic, utilities and environmental issues, etc.

I request the members of the Commission carefully review this matter against the negative impact such a development would impose on our community and future generations and thus, DENY PBMR's request for a zone variance.

You can reach me at (671) 789-5786.

Sincerely,



March 9, 2016

VIA HAND DELIVERY AND EMAIL: michael.borja@land.guam.gov

Mr. Michael J.B. Borja
Director
Department of Land Management
Government of Guam
590 S. Marine Corps Drive
ITC Building, Suite 733
Tamuning, Guam 96913

Re: Pago Bay Marina Resort Development

Dear Mr. Borja:

I am a resident of Guam and reside at 303F Chalan Okso, Chalan Pago, Guam.

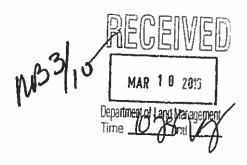
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You can reach me at (671) 688-3401 or (671) 477-2223.

ORIGINAL



March 9, 2016

VIA HAND DELIVERY AND EMAIL: michael.borja@land.guam.gov

Mr. Michael J.B. Borja
Director
Department of Land Management
Government of Guam
590 S. Marine Corps Drive
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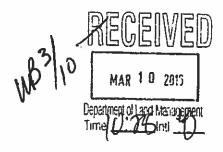
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You can reach me at hitonniyah_88@yahoo.com.

NIYAH HITON

ORIGINAL



March 9, 2016

VIA HAND DELIVERY AND EMAIL: michael.borja@land.guam.gov

Mr. Michael J.B. Borja
Director
Department of Land Management
Government of Guam
590 S. Marine Corps Drive
ITC Building, Suite 733
Tamuning, Guam 96913

Re: Pago Bay Marina Resort Development

Dear Mr. Borja:

I am a resident of Guam and reside at 145 Chalan Barcinas Street, Yona, Guam.

I am submitting this letter in opposition to Pago Bay Marina Resort's ("PBMR") application for a zone variance located in Yona along Route 4, just south of the Pago River.

I share the same concerns and objections put forth by residents of Yona and Chalan Pago relating to the traffic, utilities and environmental issues, etc.

I request the members of the Commission carefully review this matter against the negative impact such a development would impose on our community and future generations and thus, DENY PBMR's request for a zone variance.

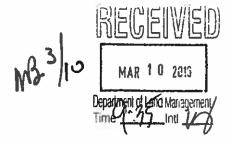
You can reach me at ding86_67@yahoo.com.

Sincerely

LINDA HITON SANTOS

Director of Land Management and Guam Land Use Commissioners

Fax: 649-5383



We just saw the article in the PDN about the proposed Pago Bay Development. Yes, we have heard both sides via new media, but today we just see a meeting notice for this afternoon at the ITC building! A few hours notice makes it impossible for us to attend, we have previous appointments.

We have lived in Yona (Windward Hills area) for over 35 years.

We STRONGLY disapprove of any application or variance regarding the Pago Bay Development. There are so many problems with this proposal that we cannot believe consideration has continued with this developer.

And this project is designed for off island "visitors". What about all of us who have lived and worked here for YEARS and do not want more problems with utilities, water, traffic and who will lose the beauty of Pago Bay with these wering building. We already have a piece of land there with very few houses that we still don't know what effect they will have IF more houses are built!

VOTE NO NO NO to this project!

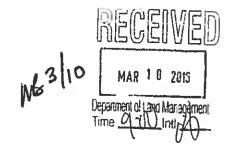
Sincerely Concerned,

Susan Hammer

338 Clubhouse Dr

Yona, Gu 96915

Michael Borja Dipattamenton Manmnahano Tano 590 S. Marine Corps Drive ITC Building, Suite 733 Tamuning Guam 96931



March 09, 2016

Buenas and Hafa Adai:

I would like to take this opportunity to convey my disapproval for the hotel construction project at the Pago Bay Site. As a resident of Yona, I personally feel that this project would have a devastating impact on the current infrastructure and environment such as:

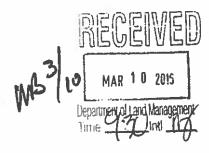
- Water system: Currently residents living in the Village (main proper)
 are experiencing low water pressure on a daily basis. This problem
 has been an on-going issue and hopefully the government will find
 a solution to resolve the problem. The construction of this project
 at Pago Bay Site would only add to the current problems with our
 water system.
- Sewage System: For several years, the residents of Yona living outside the Village Proper have been requesting to upgrade our sewage system so that people living outside the main village would have access to connect to the existing sewage system with no avail. This construction project would further prevent residents from having access to the sewage system because of the increase in population at Pago Bay Site.
- Road System: Route 4 is the main travel route not only for the
 people of Yona but for the other villages from the Southern areas.
 The existing two traffic lane is insufficient to accommodate the
 construction of this project and would ultimately create a traffic
 congestion that would impact the flow of traffic from Pago Bay Site
 all the way to the Ylig Bridge. As a resident of Yona, I am deeply
 concern on the impact that First Responders would encounter with
 the traffic congestion especially transporting medical emergency
 patients.

• Environment: Pago Bay is one of the most picturesque places on Island. The people of Yona enjoy such scenic view as they travel towards Agana. We cherish our natural environment and hope to preserve such view not only for our own sake but for all future generations. The Pago Bay Site is not an appropriate use for such a huge development and will not benefit the community especially the residents of Yona. Moreover, the construction project would definitely alter the environment not to mention the hazards that residents would encounter during storm surge from both sides of the bay.

In closing, I again express my disapproval of this development because of the negative impact it will have on the quality of life for our community and harm it will have on our environment.

lke Q. Peredo

Resident of Yona



3-10-2016

Dear Commissioners,

My testimony on Guam Land Use Commission (GLUC) Application 2015-29 focuses primarily on the justification contained in the applicant's documentation in support the variance requests and the Department of Land Management staff report dated February 18, 2016.

There is nothing exceptional or unique about the property. Part A of the DLM staff report notes the opinion that there are "unique development constraint requirements on full use of the property, thus qualifying for a request for greater density". The only way I can interpret this statement is that the developer is somehow entitled to a density variance because the subject property is bounded by a shoreline, a river and wetlands and that this is a unique condition. I disagree that there is anything unique - there are a number of properties in the general vicinity that are bounded by the Pago Bay shoreline, Pago River frontage and wetlands. There is no indication that staff actually compared the subject property to other adjacent and nearby properties. If there were unique development constraints how do they justify a density variance? How does staff arrive at a "bonus" density allowance for the property? Short of a business case model demonstrating that the applicant can't realize a reasonable return on investment at the density specified by law there really is no logical basis for a density variance. "Full use" from a density perspective is use of the property to construct 239 units. If the developer can design a building to accommodate a desired 304 units they can surely design to full legal use at 239 units. I don't believe it appropriate or sound analysis and planning to apply other internal uses such as swimming pools, landscaping, generous setbacks, a water-park and other aesthetic amenities to translate into justification for a density variance hecause those benefits accrue to the developer or are design features (setback) that could be adjusted to comply with the law.

How can there be a case for "undo concentration of population"? This application is increasing population by requesting a density variance of more than 25% of what is allowed by law. The application presents no basis for hardship based on the developer complying with the 239-unit density. I agree that a taller building with generous setbacks improves light, air and space but such is the developer's desire, it's not a bargaining chip for density and therefore does not justify a variance. If it did, then logic would dictate that a single 29-story building with a smaller footprint (smaller than 12%) would be the better. Where does this logic end and why would we not first concentrating on design for compliance?

Note that the following references are from three entities, an Illinois town (Glen Ellyn, Illinois population 28,000), a professional law firm (FarrellFritz), and a law school (Nebraska). The Illinois town would probably represent the most protective community perspective, the law firm probably services developers leaning in favor of those interests, and the law firm could be characterized as representing an academic perspective.

Hardship and the Granting of Zoning Variances: A New Test in Light of Rousseau v. Zoning Board of Appeals

By Scott Schroetlin

From pages 1185 - 1187

"Looking outside of Nebraska, the case that is most often cited 118 for defining the elements of hardship, Otto v. Steinhilber, 119 stated that to have hardship necessary to grant a variance, a court must find: (1) the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; (2) that the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; and (3) that the use to be authorized by the variance will not alter the essential character of the locality.120 The application of this hardship test, whose elements the majority of states have adopted and in some cases have expanded upon,121 has been criticized as being too strict, as it only allows for variances when "strict compliance with the zoning result[s] in no reasonable use that could be made of the property," and the variance is thus "used as a constitutional safety valve to avoid what might otherwise be unlawful takings."122 Accordingly, in looking to formulate a new test that gives sufficient flexibility to allow fairness and equity for the landowner—although wanting to be stricter than the almost complete deference in use now—it is more advantageous for the overall balance of interests not to be as strict as the test of Otto."

From pages 1188 - 1189

"Pulling all of this together, the proposed new standard can be articulated as the following: (1) the stated hardship must be unique to the petitioner; (2) the hardship must be related to the property and not to the personal circumstances of the petitioner; (3) a desire to construct a larger building alone does not constitute a sufficient hardship; (4) the petitioner cannot create their own hardship; (5) the petitioner's reasonable use of the property, considering the unique setting of the property in the surrounding area, must be the subject of interference; (6) no fair and substantial relationship may exist between the

general purposes of the zoning ordinance and the specific restriction on the property; and (7) the proposed variance may not injure the rights of others.

This proposed hardship standard is superior to the previous policy of extreme deference to zoning boards in that it provides more specific rules to guide the board in its decision, requiring it to make certain findings considering the effects on the individual seeking the variance and on the community surrounding the property at issue. However, the standard is also broad enough to allow the board the flexibility to deal with necessarily general zoning ordinances that could otherwise unfairly restrict some individual landowners. The new standard for hardship could thus be applied to the relevant statutes that guide the issuing of variances. Following such a standard would allow reviewing courts to continue to defer to boards as they have in the past, 133 allowing for the benefits of such a policy, such as local expertise, while avoiding the detriments that have given variances a bad name.134"

From the conclusion of the article on pages 1190-1191:

"The preceding discussion traces how the Nebraska Supreme Court has slowly developed rules pertaining to sufficient hardship for the granting of a variance. Despite the policy of deference that has directed the decisions in this area, more guidance is needed to protect against the dangers of unfettered deference to zoning boards. This Note looked at how adopting a new standard with more strict guidelines can protect against those dangers, while still allowing for sufficient flexibility in zoning variances to ensure the rights of the landowner when faced with the necessarily general zoning ordinance."

http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1068&context=nlr. accessed March 4, 2016. Scott Schroetlin, Hardship and the Granting of Zoning Variances: A New Test in Light of Rousseau v. Zoning Board of Appeals, 17 Neb. App. 469, 764 N.W.2d 130 (2009), 89 Neb. L. Rev. (2010) Available at: http://digitalcommons.unl.cdu/nlr/vol89/iss4/12

I have applied the test in Schroetlin to GLUC 2015-29 and a few additional criteria from a law firms website (http://www.farrelifritz.com/self-created-hardships-five-factors-not-one-decide-area-variance-applications/ accessed on March 4, 2016) for emphasis because it uses similar criteria, in the table below.

Standard (F=FarrellFritz and S=Schroetlin)	My impression of GLUC 2015-29	My Opinion	
F - An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance	The proposed development would be desirable with regard to property improvements, high quality design and contribute to job creation and housing stock availability.	The key here is the type of change to neighborhood character or the potential detriment to nearby properties. The municipal leadership from Ordot-Chalan Pa (part of Pago Bay community) and Yona and numerous residents have testified as to the undesirable nature of the proposal. The coning is already "R-2" but given the community concerns and variance to incread density and height will in fact initiate neighborhood change different from the current and historical character. If approve this one application will be the precedence others follow. It will be nearly impossible to deny a minimum of 400% height variances the subsequent development.	
F - The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;	The applicant has not presented any method or design that could be feasible other than that provided in application.	The applicant proposes a design plan without alternatives and provides no justification as to why the proposed design plan is the only "feasible" option. The applicant does not explain quantitatively or qualitatively why the legal density and legal height of three stories is not feasible.	
F - The requested area variance is substantial	The requested height variance is up to 400% of the legal limit. The requested greater than 25% of the legal limit.	Both variance requests are substantial if applied to most municipalities on Guam with the exception of Tumon and a few other isolated cases.	
F - The proposed variance will have an adverse effect or impact on the physical or	The applicant states that significant or adverse environmental impacts will not occur.	Height of towers is a significant adverse effect on the views and substantially changes	

environmental conditions in the neighborhood or district		the physical character of the neighborhood. Additionally, item 8.a and 8.b. of the "short form" make reference to potential impacts to "island" systems but do not provide assessment conclusions regarding the area infrastructure (e.g., closest lift stations, water reservoirs, water pressure, etc.). The Commission should refer to position statements by GEPA and GWA.
F - The alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance	The subject property was consolidated and resubdivided at the request of the applicant to accommodate "other uses" in addition to the single-family residences within the total development scheme. When the lot consolidation and re-subdivision was designed the applicant was aware or should have been aware of any constraints (in their opinion) that would impact the twin tower proposal.	If the applicants made a miscalculation on area and allowable density it was their error not that of government or the residents of the neighborhood. It's reasonable to assume that the applicant knew of property conditions or constraints such as an adjacent river, shoreline and wetlands within the property boundary. It's critical that the Commission and affected neighborhood realize that all of the variance justifications appear to rely entirely on self-created hardship.
S - The stated hardship must be unique to the petitioner	The applicant states that there are hardships and implies that such are unique.	The applicants stated hardship is erroneous. Other properties including those within just 500-1000 feet and properties beyond this distance that are part of the place known as Pago Bay are also subject to the so called constraints such as wetlands, shoreline and Pago River. Conversely, wetlands provide natural buffers and open space and beach front property is highly valued. These would be beneficial to some degree but are hardly a bargaining chip for variances when not

	W.	feasible/reasonable alternative design is provided to demonstrate compliance with the law.
S - The hardship must be related to the property and not to the personal circumstances of the petitioner	The applicants' stated hardship is tied to property conditions and claims that the government imposed some manner of subdivision design standard that configured the property to be in a hardship condition (this was briefly described during the last GLUC hearing two weeks ago).	There are no substantial property hardships as reflected in the facts stated above.
S - A desire to construct a larger building alone does not constitute a sufficient hardship	The applicant has not stated a desire to construct a larger building as the primary reason for the variance request.	The applicant tries to justify the larger building on the presence of 32% wetlands, a shoreline, and river, which are within or bound the property. Given the weak to non-existent legitimate hardship or constraint the only desire left to consider is a larger building.
S - The petitioner cannot create their own hardship	The petitioner created their own hardship by subdivision design in accordance with their future development plans and vision.	The petitioner created their own hardship by subdivision design knowing full well that a river and wetland (in total a very small percentage of the "mother lot") was constraining to some degree.
S - The petitioner's reasonable use of the property, considering the unique setting of the property in the surrounding area, must be the subject of interference	The petitioner's claims the property is unique. The petitioner makes no claim to unreasonableness.	As far as I can tell for the application and testimony from the GLUC hearing two weeks ago nobody has created interference with the developer's reasonable use of the property. It is the applicant (petitioner) that is interfering and clashing with community character and quality of life.
S- No fair and substantial relationship may exist between the general purposes of the	Same as the descriptions above.	The developers claimed restrictions are wetlands, river frontage and shoreline. It is
zoning ordinance and the specific restriction		reasonable to conclude that the zoning law

	can be complied with even with the self- created restrictions. The applicant has made no effort to demonstrate compliance options.
Same as the descriptions above.	In my opinion it is the people's right shape how development will occur in their communities especially when proposed changes will set precedence and a new
	Same as the descriptions above.

My conclusion is again entirely borrowed and cited here from a Glen Ellyn, Illinois organization http://www.glenellyn.org/Planning/Documents/HARDSHIPSrev.pdf access on March 6, 2016.

"...The owners seeking variations are expected to bear a "higher burden of proof". Where a request for a variation is not unique or changes the essential character of the area, the petitioner should seek an amendment to the zoning code that would then apply throughout the district, rather than a variation. Variations are meant to be used sparingly, which is intentional as suggested in a reference from the case of Real Properties v. Board of Appeals of Boston that reads:

"The power of variances is to be sparingly exercised and only in rare instances and under exceptional circumstances peculiar in their nature and with due regard to the main purpose of a zoning ordinance to preserve the property rights of others...

"In conclusion, a hardship is not just ordinary inconvenience or difficulty and the owner must be able to show that there is an inability to make reasonable use of the land. The hardship or difficulty must be unique and should not generally apply to other properties. Hardships cannot be self-created, which even applies to action taken by previous owners, including work performed without a permit. According to the courts, a hardship does not include a potential for economic loss or less than maximum return. Finally, the use or modification must not alter the essential character of the area. The ultimate question that must be asked is "Is the property owner deprived of rights or deprived of their desires?" (Emphasis added).

In closing, I would like to make specific reference to this quote from above, "...the petitioner should seek an amendment to the zoning code that would then apply throughout the district, rather than a variation." In my opinion the GLUC should not be approving development that imposes major departures from the zooming law, so much so that it has the effect of influencing factors that should be part of master planning. I could be wrong but master planning is not a GLUC mandate. There is legislation pending (Bill 264-33) that would assign this work to a taskforce with comprehensive public input and involvement via the Southern Development Master Plan. The only other valid master plan is the North and Central Land Use Plan of 2009, which has a southern most boundary at the northeastern edge of Pago Bay.

Given that there is what I consider to be a complete lack justification for density and extravagant height variances together with renewed interest in master planning, including the municipalities of Ordot-Chalan Pago and Yona, I recommend the GLUC disapprove all major variances in southern Guam including the requests in application 2015-29. My interests are primarily in the "process" and standards used to make decisions and that communities, especially southern communities, be afforded definitive input on how major change occurs in light of pending legislation and recent high-rise development proposals in Agat and Pago Bay that have hundreds if not thousands of southern residents keenly watching and in this case objecting to major development.

I'm not able to attend the Commission hearing on March 10, 2016 and even if I were I would yield any time I might be given to the residents of Yona, Ordot-Chalan Pago, and Save Southern Guam. Thank you for the opportunity to submit written testimony.

Sincerely,

Randy Sablan P.O. Box 3593

Hagatna, Guam 96932

898-1296

MAR 1 0 2015

Department of Lang Management of the REQUEST FOR A Signal of the REQUEST FOR A Signal of the RECUEST FOR A Signal HEIGHT VARIANCE IN THE DEVELOPMENT OF THE PAGO BAY MARINA RESORT PROJECT.

At a public hearing held January 6, 2016, at the Yona Community Center to discuss the development of Pago Bay Marina Resort, the Center was filled with Yona residents and neighboring village residents who testified and, BY OVERWHELMING MAJORITY OBJECTED to this development.

PRINT NAME	SIGNATURE	YONA RESIDENT	REGISTERED VOTER	DATE
J. Basil O'Mallan TV	API	4	4	3/5/16
Doreen Bajuba	Frak	/	T	3/5/16
J Deagley Klemm	13 drm	P. Bay	-Y	3/5/14
Rebecca L. Klem	Prhematilen	P. Bay	Y	n
KEEL BARGUES	mb	4	Y	3516
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Darl Morden	& Dallan	Y	ÿ	5-3-16
Bygene Mesa	las J. Man	/ 4	/N	3-5-16
Lorench Snik	Lorena P In	ry	9	3-5-16
Thomas F. Terlaje		4	9	3-5-16
Kanona I. Duris	MURCO	Y		3.5.16
Johanna Burk	Golanna Burke	Y		3.5.16
DRIAD BURK	B) Bl-	4		3-5-14
ELIZABETH RAL	STADIA Briling	on X	<i>></i>	3/6/16
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PRINT NAME	SIGNATURE	YONA RESIDENT	REGISTERED VOTER	DATE
ANNE D'MALLAN	And O'Klall	r	r	3-5-16
Cynthiat-Cam de	Contlor & Carnet	- 4	y	3-5-16
HOWARD META	11-1-	4	N	3-5-16
Jaezt. mesu	Donero	7	Y	
Rosa O'Mallan	Vomall-	y	Ý	3-5-16
Carum Mend	u è	Y	Y	3.616
Morie Quenza	1 Jagn	Y	Y	
ElANE Copoda	Maple	X	ý	3/6/16
204 DIRIGE	fly	7	Ý	3/6/16
JANET T. DIRIC	T T	7	7	3/6/16
Glinda Hall	Attall	Ý	'X	3/4/14
Gabrielle Quenys	Mululy	Yes	Yes	3/6/16
ANITA L. AGUO	~ (into d. hoge	У	X	3)6/10
Josefa Tumatanta	, Denoteto	4	4	3/4/14
Antoinette Dueras	Roca			3/6/16
Lisa Duenas	Qua g Due-	Y	Y	3/6/16
Catherine C. Cruz	Cathe a. G.	yes	yes	3/6/14
David S. Dueras	Sanfestures	Jes	yes	3/6/20/6

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PRINT NAME	SIGNATURE	YONA	REGISTERED	DATE
	SIGIVATORE	RESIDENT	VOTER	
MARJORIE PERCZ "	nay ID	Y	1	966
Fred Flores	Alon /			3/1/211
MITH TAYAKIA	Antaixena	150	415	3/1/1
Jeanet Satu	Jel ()	ges	yes	3/6/14
TA OTAX ROSSONO	Alf -	No	ges	3/6/16
Visa Roberto	KIN Rolling	No	N	3/6/16
Elizabeth Querga	Dr.	Yes	Yes	3/6/16
Franke Cruz	1750	Yzs	Yes	3/6/16
BEM DOLILI	pro	'// L	6/	77
TAYLOR JULIEN	12 Julian	Yes	No	3/4/16
Charles Viala		Yes	NU	3/1/16
Diana Santos	Myante	100	Kas .	3/12/10/6
Felemen hankarl	of filethon	Yes	gres	3/6/16
Manglona, Danielle	Osig	Yes	Yes	3/6/2026
PEROZ, LUTONIO		YES	1/65	3/6/16
Teresita B. Rosaw	Levesit Oktoa	yes	Yess	3/4/16
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16

At a public hearing held January 6, 2016, at the Yona Community Center to discuss the development of Pago Bay Marina Resort, the Center was filled with Yona residents and neighboring village residents who testified and, BY <u>OVERWHELMING MAJORITY OBJECTED</u> to this development.

PRINT NAME	SIGNATURE	YONA RESIDENT	REGISTERED VOTER	DATE
Sillia P. Verus	maran	1)0	160	3/6/16
Elizabeth T. Cora	English 1. Cry	Yes	Yes	3/6/16
William Rus	tipay.	Y.3		
Alfred Pargeline	90	yes.	Yes	3/6/16
ISART PALETURE	Anne Payer	TES	ies .	3/4/15
John Boyc	Amn	Jes	Yes	2/6/16
Janiona Borja	Dansk Bry	les	Ves	3/4/16
Christing Bolga	Ch	YCS	YES	3/6/16
PALAJ ADIN	B	YRS	YES	3/6 f16
Marlene J. Mesa	When	Yes	Yes	3/6/16
Anthony M. Palacio.	CAR	Yes	715	3-6-16
Dana Tamayo	Dero	Yes	Yes	3-6-16
Tony Consentar	Ac	408		3.6.16

13

At a public hearing held January 6, 2016, at the Yona Community Center to discuss the development of Pago Bay Marina Resort, the Center was filled with Yona residents and neighboring village residents who testified and, BY <u>OVERWHELMING MAJORITY OBJECTED</u> to this development.

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Many Q. Perlegu	Makes -	y	У	3/6/16
David I. Aguon	Olla	7	4	3/6/16
Juse I Balgadia	Juga de Belyster	Ý	7	3/4/14
Michell A.T. Balan	ic De lie	1	X	3/4/14
cara Chamberlai	n Ithre	ή_	N	03.06.14
antonia Tampelain	ANTONIA CHAMBERLY	Vay VX	W	3-6-16
ADELAIDA EDUVALA	fuldura			3/6/10
Boatrice B Dosario	Beating and	109	Yes	3/4/4
Fr. Andre Eduvala	Fr. am Ed	Yes	1ec	3/0/16
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	100000			
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change.org PROTECT PAGO BAY!

Recipient:

GUAM LAND USE COMMISSION

Letter:

Greetings,

PROTECT PAGO BAY HISTORICAL AND CULTURAL SITES

Comments

Name	Location	Date	Comment
James Nangauta	Barrigada, GU	2016-03-04	the impact of this project are irreversible to our land, what little we have, our culture and the loss of an historical sitealso could not be supported by the current infrastructure
Randy Sablan	Agana Heights, Guam	2016-03-04	The variances requested are technically unjustified. The precedence will likely start similar development in the south before a southern land use plan can be completed to guide development with proper southern community input and design. Let's do what makes sense, there's no reason to rush into high-rise development in the south.
Bernard Punzalan	Spanaway, WA	2016-03-04	No means no.
Josephine Ong	Medford, MA	2016-03-05	Because this isn't just about the potential harm to Guam's environment, but the harm it will do to the people of Guam, most especially Chamorros who originally owned this land
Christopher munoz	Austin, TX	2016-03-05	I want to preserve the land that belongs to my people
Art De Oro	Barrigada, Guam	2016-03-05	It is not good for Guam, my home!
Rebecca Evaristo	Seaford, DE	2016-03-05	The Island is my family's home. We need to preserve it's natural beauty and not destroy it for the sake of money. Please do not allow this to happen.
john lawrence	Barrigada, Guam	2016-03-05	The planned development is not sustainable and will irrevocably damage Guam. The planned development will put a burden on the Government and people of Guam. There are logical and more appropriate "better uses" for this land.
Vince Leon Guerrero	Hagatna, Guam	2016-03-05	Coastal development, wrecks havoc on our island's marine environment. Infrastructure limitations contribute to a substandard living environments
Debbie Wareham	Irving, TX	2016-03-05	Guam is a finite island and must be protected from overgrowth.
Lesiie Reynolds	Hagama, GU	2016-03-05	I grew up in Pago Bay. Over my lifetime I have watched construction projects around the bay cause erosion and run off. Rapid development has also scarred the natural beauty of the coastline and small neighborhood roads have become congested with traffic.
Georgette Barnett	Oklahoma City, OK	2016-03-05	I am Chamorro and when I go home to visit I want to show my children and grand children my beautiful island home. My grandfather fish and hunted in that area when I was growing up and I have many wonderful memories and many stories to tell my children and grand children about my island. I want to see Pago Bay as it is, not buildings and concret structures when I go home.
Leilani Sablan	Vigo, Guam	2016-03-05	Guam is my home. As a local girl, it is my duty to protect the natural beauty of my island.
Anna Maria Delgado	Hagatna, Guam	2016-03-05	I want Guam's natural beauty to remain intact.
Carla Noble	Virginia Beach, VA	2016-03-06	We need to protect our homeland (current or former)
Lynn Flores	P iti , GU	2016-03-06	The villages belong to the people of Guam. Our culture, heritage and community are in the villages. No high rises buildings and NEVER such a development in ecologically fragile Pago Bay. So much damage to Pago Bay has already occurred due to terrible oversight of recent development. Bastat
Vicenta Sanchez Dannelley	Windsor, CA	2016-03-06	I am signing because you are destroying everything that is sacred to me and for the generations growing up after I am gone. We now have concrete jungles we do not need to turn the whole island into concrete. Think of YOUR children!
Michael Thompson	Agat, Guam	2016-03-06	m against the Tumonization of southern Guam

Name	Location	Date	Comment
Ann Marie Gawel	Dededo, Guam	2016-03-06	This will put undue burden on the community and the environment of the area.
Ursula Herrera	Tumon, Guam	2016-03-06	Na'i ham animu para ta protehi esti na lugat. Basta ma deroga i tano'mami,
Ursula Herrera	Tumon, Guam	2016-03-06	Na'i ham animu para ta protehi esti na lugat. Basta ma deroga i tano' mamil
Kelly Gregory	lpan talofofo, Guam	2016-03-06	Because Guarn is a special place! protect your land Guarn! if someone wants to live in a condo tell them to move to LA!
Juan Fernandez	Yona, Guam	2016-03-06	I live in Yona and The last thing I need to see is more congestion.
Vicky Billeaudeau	Little Elm, TX	2016-03-06	I'd appreciate our heritage and historical issues.
Angella Alvarez-Forbes	Dededo, Guam	2016-03-06	TO PROTECT PAGO BAY, it's historical and cultural sites, indegenous and rare species and it's vulnerable state. Pago Bay was a vibrant settlement, to destroy further it's cultural significance, would attempt to erase a people's history! Stop the madness!
Baltazar Aguon	Mangilao, Guam	2016-03-06	This development will bring profound, devastating effects to Pago Bay, the river, and the wildlife within these areas. ALL Guam residents will feel the effects in increased traffic, strained utilities, and locals will again be prohibited from entering yet another piece of home. Please sign this petition!
Jeff Jereza	Sinajana, Guam	2016-03-06	preservation
Lasia Casil	Guam, Guam	2016-03-06	Prutehi Yan Difendill
George Fiedler	Mangilao, Guam	2016-03-06	I opposed development along the Pago river in this location. As a biologist, I'm keenly aware of the important natural resource the wetland forest represents. This development will destroy our northernmost river mouth.
Diane Rowland	Salem, WI	2016-03-06	We'll lose too much! If we loose one species, more will follow - the domino effect. Must preserve all we can.
Lina Perez Taitinglong	Piti, Guam	2016-03-06	We do not need anymore high rise structures!!! Protect what land and resources we do have!!! Invest in the protection of our people and natural resources!!!
HNMC	Barrigada, Guam	2016-03-07	I have property in Pago Bay
Dianne Strong	Yona, Guam	2016-03-07	This project has no benefits for the people of Guam.
Anne Brooke	Guam (GUM), Guam	2016-03-07	We need to protect our cultural heritage not build condos on it!
Amy Owen	Mangilao, Guam	2016-03-07	The need to protect the river, bay, wetlands and indigenous species and sites - this is This is not a good place for a high rise because of the important ecological functionality of Pago Bay.
Linda Tatreau	Merizo, Guam	2016-03-07	I am signing this petition because I CAREII
Burt Cruz	Yigo, GU	2016-03-07	I 學樹 our beautiful of 本_**
Robert Michael Cruz	Sinajana, Guam	2016-03-07	If we do this we kill crabs in the sand and it'll be preventing us from enjoying our natural, beautiful oceans!
inez S	Hagatna, Guam	2016-03-07	We need to stop putting wealth, business & politics first, and think about our island's heritage and natural formations.
Angelin Castro	Chalan Pago, Guam	2016-03-07	I'm signing because I am from Chalan Pago and do not want to see my village be turned into a tourist hotel.
Zachary Kniskem	Yigo, Guam	2016-03-07	I do not approve of the height variance in the development of the pago bay marina resort project.
Elisa Guerrero	Odessa, FL	2016-03-07	Guarn is my HOME. The beauty of the island and the protection of negative environmental impacts is MY responsibility!

beauty of this Land. I am also provid and bless to return in this wonderful Island of Gluarn where I can say that I am living in a Paradise. Guam is a very small Island and it's not too far away in order to see the beauty it provides. I hope everyone starts to care and stop hurring our Mother Nature only because you want to have a nice view. "Don't let profit because so want to be made and expendent of the profit because so want to brave and stop hurring our Mother Nature only because you want to have a change and heal our Mother Nature be all our Greed and Selfishness. Brandon Unpingco Brookline, MA 2016-03-07 I'm signing because my friend is from Guam and I care for him:) Brandon Unpingco Brookline, MA 2016-03-07 I'm signing because my friend is from Guam and I care for him:) I lived and taught on Guam, and served in the Army Reserver there, for fourteen years. I know what a precious place the Pago Bay area is and hope that no development will be allowed there. As it is, Guam is already overbuilt and the water and utility services are strained too much. Please do not allow the Pago Bay project to go through. Roger Cauley Orange Beach, AL 2016-03-07 I am a homeowner in Yona and object to a project that will adversely impact more people than it will positively impact. Suzanne M Hendricks Yona, GU 2016-03-07 This development will destroy the natural beauty of our neighbourhood and overburden existing infrastructure; water, power, sewer. AND - the Developer will killed your project that will adversely impact more people than it will positively impact to project that will adversely impact more people than it will positively impact to project that will adversely impact more people than it will positively impact. Annette Donner Carson City, NV 2016-03-07 As a former resident of Pago Bay Is taken project that will adversely impact more people than it will positively impact. Project I for the Developer will keep any on project that will adversely impact more people than it will be project that the cardial pr		Name	Location	Date	Comment
Robert & Patricia Coble Seaside, CA 2016-03-07 I lived and taught on Guarn, and served in the Army Reserver there, for fourteen years. I know what a precious place the Pago Bay area is and hope that no development will be allowed there. As it is, Guarn is already overbuilt and the water and utility services are strained too much. Please do not allow the Pago Bay project to go through. Roger Cauley Orange Beach, AL 2016-03-07 I am a homeowner in Yona and object to a project that will adversely impact more people than it will positively impact. This development will destroy the natural beauty of our neighbourhood and overburden existing infrastructure; water, power, sewer. AND - the Developer will likely pay no taxes! Annette Donner Carson City, NV 2016-03-07 As a former resident of Pago Bay I totally protest ID on not scar that coastline and defile its history and culture. Renee Harrison Asan, Guarn 2016-03-07 I care about maintaining the extraordinary beauty of our Island. High Rises in Pago Bay is the wrong way to go! Build in a manner that will compliment the charm and beauty of this island! Lenny Fejeran Toto, Guarn 2016-03-07 I love my Island and want to protect it from harm and further damage. Hearthreaking to see such beauty traded for money. No dollar amount can restore the natural beauty or Island has to offer. Tory Borja Barrigada, Guarn 2016-03-07 In short, my children and their children and the generations that follow need this vital chunk of self-identity to be preserved and protected, that is Pago Bay, and selfing it in place of what is be sell would be a disastrous disservice by our selfing out that chunk, a disastrous disservice and them, and once we commit to selling out that disclude of ourselves and them, and once we commit to selling out that it selling out that it sells chunk of ourselves and them, and once we commit to selling out that this chunk of ourselves and them, and once we commit to selling out that vital chunk of ourselves and them, and once we commit to se		Melody Manluck	Dededo, Guarn	2018-03-07	This is my first time in taking part of a petition against anyone who try to peel off again the skin of our Dear Mother Nature that let us live in this Land and gave us Home and everything we need to survive. Guam has become my Home now since the day I become connected with the Nature and the People who lives here. I am glad to know that there are others who also appreciate the beauty of this Land. I am also proud and bless to return in this wonderful Island of Guam where I can say that I am living in a Paradise. Guam is a very small Island and it's not too far away in order to see the beauty it provides. I hope everyone starts to care and stop hurting our Mother Nature only because you want to have a nice view. "Don't let profit becomes the sole measure of success, a business runs the risk of harming not only it's customer and the environment but also the spiritual well-being of its workers and owners." I hope and pray that we able to make a change and heal our Mother Nature to all our
fourteen years. I know what a precious place the Pago Bay area is and hope that no development will be allowed there. As it is, Guam is already overbuist and the water and utility services are strained too much. Please do not allow the Pago Bay project to go through. Roger Cauley Orange Beach, AL 2016-03-07 I am a homeowner in Yona and object to a project that will adversely impact more people than it will positively impact. Suzanne M Hendricks Yona, GU 2016-03-07 This development will destroy the natural beauty of our neighbourhood and overburden existing infrastructure; water, power, sewer. AND - the Developer will likely pay no taxes! Annette Donner Carson City, NV 2016-03-07 As a former resident of Pago Bay I totally protest! Do not scar that coastline and defile its history and culture. Renee Harrison Asan, Guam 2016-03-07 I care about maintaining the extraordinary beauty of our Island. High Rises in Pago Bay is the wrong way to go! Build in a manner that will compliment the charm and beauty of this island! Lenny Fejeran Toto, Guam 2016-03-07 I love my Island and want to protect it from harm and further damage. Heartbreaking to see such beauty traded for money. No dollar amount can restore the natural beauty our Island has to offer. Tory Borja Barrigada, Guam 2016-03-07 In short, my children and their children and the generations that follow need this vital chunk of self-Identity to be preserved and protected, that is Pâgo Bay, and selling it in place of what is being asked of us to self would be a disastrous disservice to us and in turn them. A disastrous disservice that once it is committed, it would also be disastrously irreversible. And I'm not signing off in that no thank you! Tory Borja Barrigada, Guam 2016-03-07 In short, my children and their children and the generations that will follow then need this vital chunk of their self-identity to be preserved and protected and by selling out that chunk, Pâgo Bay, would be a disastrous disservice to unselve and them, and once we commit to selling ou		Brandon Unpingco	Brookline, MA	2016-03-07	I'm signing because my friend is from Guam and I care for him :)
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Joseph Atalig Yona, Guam 2016-03-07 I would love to keep the south Beautiful and untouch for generations to come!		Tory Borja	Barrigada, Guam	2016-03-07	
		Joseph Atalig	Yona, Guam	2016-03-07	I would love to keep the south Beautiful and untouch for generations to come!!

Name	Location	Date	Comment
Raymond Anderson	Santa Rita, Guam	2016-03-07	I'm signing because we need to look at the places where we put up these buildings. The location is not ideal for it. The amount of traffic it would create, it's near the mouth of a river would end up polluting it, and how many vacant lots that we have that need to be renovated. When they built those three towers near GMH and left it vacant what a eye soar but basically clog that area with so much concrete. Guam has room to grow but it's how we grow will should be determine with professional environmental impact sustainable engineers that would help us plan a better business sense for the land and the people in developing the island.
Jathan Muña Barnes	Chalan Pago, Guam	2016-03-07	I love Pago Bay
bruce best	ordot-chalan pago, Guam	2016-03-07	area needs time to heal post ordot dump clousure
Donna MUNA Quinata	Pago Bay, Guam	2016-03-07	Why do these buildings have to be that tall
Nicole Borja	Pago Bay, Guam	2016-03-07	As a long-term resident of Pago Bay, I strongly oppose the development of any and all high rise structures in my beautiful and serene village. To erect such infrastructures would only create devastating effects on our already problematic low water pressure, disrupt Mother Nature, and send out an open invitation to have other greedy money moguls to build more high rise establishments. Like Tumon, Pago Bay does not need to turn into a concrete jungle! As with the circle of life, we need nature for sustenance but nature does not need us!
Cody Richards	Navarre, FL	2016-03-07	Pagot is historical and we should be able to share it with future generations to come
Moneka de Oro	Mangilao, GU	2016-03-07	These plans will forever alter the land and social scape of the south. It is environmentally unsound moreover it will not benefit locals. We will not be able to afford to live there or enjoy the amenities. We haven enough hotels in Tumon. Have the hotels doe. Anything to grow and foster the local communities in Tumon or Tamuning? Not really its just pushed us out of the area.
Jiles Blas	Chalan pago, Guam	2016-03-07	I'm a resident of Pago Bay and I want to do what I can to help preserve this beautiful land for my children and grandchildren to appreciate, as I do now.
Martha Tenorio	Talofofo, Guarn	2016-03-07	I'm signing because we need to protect our natural resources, the nipa and the Pago river! We need to keep southern Guam safe from over- development due to our limited infrastructure, including low water resources and poor road conditions.
Kori Kerr	Dededo, Guam	2016-03-07	There is enough resorts on this small island.
Ernie Matson	Talofofo, Guam	2016-03-07	large ugly hotels/condos do NOT belong in the southespecially along a high traffic area or an estuary
Teresita Perez	Hagatna, Guam	2016-03-07	I'm signing because people need to stop fucking with the land that's left.
Lewie Tenorio	Talofofo, Guam	2016-03-07	I'm signing this petition because Guam doesn't need to have a hotel at every scenic spot. Let's just leave what's left of Guam's natural beauty alone.
KJ Fitz	Santa Rita, Guam	2016-03-07	The very idea that this project will not add extra burden to thew existing infrastructure is ridiculous. Further, it would displace vital wetlands and destroy the ambience of that part of the island. Tourists DO NOT come here to see ugly concrete skyscrapers!
Sumika San Nicolas	Yigo, Guam	2016-03-07	I am signing this petition because I firmly believe in protecting Guam's natural landscapes & not urbanizing what is a historical site. I also believe that the impact a development will have on Pago Bay will be detrimental to its fragile ecosystem.
Juanette Leon Guerrero	Barrigada, Guam	2016-03-08	I'm signing because I carel

	Name	Location	Date	Comment
	peter mooney	port alexander, AK	2016-03-08	The southern beaches are the only beaches where you can park roadside and walk in with out a security guard stopping you asking if your a guest of the hotel. And Guarn is over developed we are being robbed of our Islands natural beauty it's got to end before its too LATE!
	Vanessa Toves	San Jose, CA	2016-03-08	No more abuse to the island of Guam. It is my home and the home of my people. Leave the land alone.
	Luke Duenas	Sinajana, Guam	2016-03-08	To protect ancestral lands and to preserve the south rich history
	Mokihana Kahele	Dededo, Guam	2016-03-08	I am in support of protecting Guam's lands and natural beauty. Pago bay does not need to be commercialized. Guam is not for sale.
	Ninette Criss	Hagatna, Guam	2016-03-08	I love our island home and do not wish for over development as such is the case in Hawaii. I prefer to keep the high rises in Tamuning and Tumon but no more. My family and I love hiking and prefer Guam's beautiful natural resources.
	anthony salas	yigo, Guam	2016-03-08	We don't need anymore condos that are to expensive for the locals!
)	Michelle Anjanette T Franquez	Mangilao, Guam	2016-03-08	Signing this petition to protect Pago Bay!
	Arielle Lowe	Tiyan, GU	2016-03-08	I am against irresponsible development that threatens natural, historical, and ecologically vulnerably sites.
	Rose Marie Tajalle Hunt	Templeton, CA	2016-03-08	I'm in total agreement that the code was put in place to protect the people and the culture. I have not seen any proposed developments take those issues into consideration All I see is the errosion of the Chamorro culture, to the extent that, if we're not careful, Guam may become some other culture and what was
				Chamorro may be lost forever. Don't let them do it.
	Julianne Perez	Talofolo, Guam	2016-03-08	Don't build it! Protect what's left of our beautiful island.
	Frank Santos	Sacramento, CA	2016-03-08	We need to preserve what little is left of our history, culture & habitatl
	Drew Murphy	Honolulu, HI	2016-03-08	Guam is home for many of us and if we don't set boundaries and parameters
)				that control commercial growth, then the very beaches and cultural sites we hold dear will become a thing of the past. We have a choice to create our own destiny and to shape the way we want our ancestral lands and cultural sites preserved, otherwise Guam becomes nothing but an overgrown metropolis all
	MeShawn Hunt	Templeton, CA	2016-03-08	in the name of development! Guam is a beautiful island that does not need to have concrete jungles! I spent
	MeShawii Fiulit	rempean, ox	2010-03-00	much of my youth in the jungles of Guam, continuing my family's heritage. Keep this beautiful island's natural beauty!
	Rudy Lanada jr	Dededo, Guam	2016-03-08	Historical culture.
	Paul Capistrano	Dededo, Guam	2016-03-08	Im for saving all of Guam's historical sites
	Michael Carandang	Yona, Guam	2016-03-08	Environmental concerns as well as traffic congestiom
	Vincent Bamba	Yigo, Guam	2016-03-08	This is sacred land and I feel that people are just using every which way to make a dollar off of something that isn't their's
	Vincent Santos	Spring, TX	2016-03-08	I would like my children and their to enjoy a piece of Guam the way I have when I was a child. If we keep building on these undeveloped areas, we are destroying Guam's ecosystem and our children's future.
	iain Gault	Agana Heights, Guam	2016-03-08	Because we need to look after what we have left.
	Dana Bollinger	Barrigada, Guam	2016-03-08	I lived in Pago Bay and my family still does. It is beautiful and peaceful. The land and sea do not need anymore stress that additional housing and commercial traffic would bring. There are things that money can t buy and can't fix once destroyed.

Name	Location	Date	Comment
Monica Karagosian	Asan, Guam	2016-03-08	Guam is my home by choice! I Love this island and our people. Decisions need to be made in the best interest of Guam and our people not in the interest of the outside developers bank account. I see not benefit to the people of Guam by this project. Guam has lost enough already and it is time to stop giving away our home!!
Alexandra Alexandra	Dededo, Guam	2016-03-08	I love my island and do not want to see anymore land taken for buildings that only take away the beauty of our land.
Jackie Ary	Yona, GU	2016-03-08	As a Yona resident, I do not want this monstrosity in the neighborhood. The natural beauty of Pago Bay will be destroyed, and effects to the Pago River will be detrimental. We need to protect and preserve our wetlands and the natural beauty of the east side of our island.
Charlyne Guerrero	Dededo, Guam	2016-03-08	Prutehi yan defendi
crystsl toved	Germany	2016-03-08	My island
Annalisa Livingston	Yona, Guam	2016-03-08	I care about the protection and preservation of our island waterways and how this will negatively impact existing ecosystems. I object!
Dianne Yost	Anaheim, CA	2016-03-08	Keep Pago Bay the way it is! Prutehi Guahan.
George-Anthony BORJA	HAGATNA, Guam	2016-03-08	The Government of Guam shouldn't allow developers to destroy the natural beauty of our community. As residents we must be diligent stewards to do what it takes to protect of our island. This is our home, we live here. Then there are those whose only interest is to make a quick buck with our home regardless of the ramification.
Nichole Quintanilla	CHalan Pago, Guam	2016-03-08	I'm signing because Pago Bay is my home. I spent almost every day of every summer as a child at that beach. It was where I learned to swim, fish, and create memories with my family. The fondest memories I have of my late grandparents took place in Pago Bay. Don't deprive the next generation of their home, their memories, and their future on our island.
Gabriel Cubacub	Dededo, Guam	2016-03-08	This is my lavorite view on the island and adding buildings will ruin the beauty of our islands scenery
Kaitlin McManus	Santa Rita, Guam	2016-03-08	Initresil I mean every word of that promise! Prutehi yan dilendi!
Danica Malumay	Barrigada, Guarri	2016-03-08	Guam's natural beauty does not need anymore development. The resort will just block and defeat the purpose of the natural beauty of Pago Bay. Pago Bay is fragile, please do not allow this development to happen. The historical site is very important to indigenous and endangered species. Development will definitely cause destruction. There will be little hope to get back the lost land, beauty, and species if the development is approved.
Marian Aguon	Yona, Guam	2016-03-08	There's enough development in pago bay, Pago bay does not need a hotel.
Troy Torres	Yona, Guam	2016-03-08	I'd be in favor of a scaled down development One that respected the scene a bit more,
Shizue Iriarte	Chalan Pago, Guam	2016-03-08	Don't take away another beach front from us residents. Tourists can stay in Tumon.
Tina Flores	Chalan Pago, Guam	2016-03-08	These buildings will destroy the natural beauty of the bay and will ruin the environment and it's ecosystems.
Arun Swarny	Chalan Pago, Guam	2016-03-08	The proposed construction would disrupt traffic in an existing bottleneck, destroy one of the few remaining pristine stretches of beach and further reduce public access to the ocean.
Tracey Kim	Decorah, IA	2016-03-08	Guam is beautiful. Stop ruining it with more pointless buildings.
frances mulraney	Swindon, United Kingdom	2016-03-08	There is already too much development on this beautiful island and this will do far too much damage! Stop before its too late I

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Name	Location	Date	Comment
Bill Cundiff	Agat, Guam	2016-03-08	I am signing this petition because I oppose approval of the height varience request for the proposed Pago Bay Marina Resort Project.
Joseph Villagomez	Dededo, Guam	2016-03-08	The northern part of Guam is full of businesses. You look around and there isn't much to represent the Chamorro heritage. The south of Guam is what's left of our culture and I'd like to keep it that way.
Mickala Jess	Bellevue, IA	2016-03-08	On my recent trip to Guam, I saw both the beauty of the island and some of the not so nice, it is a small island, and if it continues to be developed in a greedy, inconsiderate manner, there will be no beauty left.
Joleen Castro	Yona, Guam	2016-03-08	Because Yona doesn't need the tourism industry in our community. Our community is beautiful and strong and we don't need the value of tourism money to take over. What makes us rich is our simplicity.
Shane Root	Ordot, Guam	2016-03-08	I'm a local boy who loves the land, the ocean, and I treasure the importance of where I come from.
valorie tyquiengco	el paso, TX	2016-03-08	That land is not only beautifuland should remain untouchedbut it's historical as wellleave the land alone
Alicia Munroe	Gaston, OR	2016-03-08	Guam is my family's home. Pago Bay is a historic part of my family's history. Please keep Pago Bay from being commercialized.
Julia Chaco	Lake City, FL	2016-03-08	I care for the beauty of Guarn and The effects of our history which is very important for the education of our future generations to learn where they're coming from. Don't kill it for them!
Leticia Gange	Barrigada, Guam	2016-03-08	Too much change will destroy the island and the mentality of its people. People move here for the peace, not the hotels.
Delfina Cruz	Dededo, Guam	2016-03-08	Guam is beautiful the way it is, it does not need anymore development and as a local girl I will not support this new "development".
Shawn Naputi	SanFrancisco, GU	2016-03-08	They will choke on there mothers hair ! Don't mess with legends !
Alfred Omalian	Yona, Guam	2016-03-08	The south does not need this. Keep the hotels in tumon. Leave the south alone!!
Tomas Omalian	lincoln, CA	2016-03-08	That's some bullshit. Protect preserve unite GUAM.
Melissa Dills	Jacksonville, FL	2016-03-08	My heritage and preservation of my home land for my children and their children.
Tatyanna Travis	Prattville, AL	2016-03-08	I am from the island of Guam & I would like to revisit with my family & take them to see Guam's beautiful sites, to include Pago Bay.
Jeri Lawrence	Browning, MT	2016-03-08	Free from development & protect important cultural resources
Eric Agar	Yona, Guam	2016-03-08	I'm against the destruction of natural beauty to benefit so few and would like to save the Nipa.
Jill Chaco	Yona, Guam	2016-03-08	To save what's left of our island for our children and their children to love, explore and appreciate what God and our Ancestors have given us.
Ann Perez	Hayward, CA	2016-03-08	This is a beautiful picture of Pago Bay. If we do not voice our concerns collectively we may be left with just pictures. Yes protect Bay Bay and all its beauty.
Jayla Lujan	Talotofo, Guam	2016-03-08	We need to protect our land!!
Frances Torres	Houston, TX	2016-03-08	We, the Chamorro people, need to be the caretakers of our island. Pago Bay is one of the few inlets still in pristine condition.
Frances Torres	Houston, TX	2016-03-08	We, the Chamorro people, need to be the caretakers of our island. Pago Bay is one of the few inlets that's still in pristine condition. It needs to be this way for our children & future generations!

Name	Location	Date	Comment
Sara Falgan	Chalan Pago, Guam	2016-03-08	I want our central and southern villages to be preserved to its natural and historical standing as it has always been. Hotels continue to be built in tumon and if we begin to try to spread it's existence with the start of this unit in pago bay it will soon rush like a wildline and more outsiders will want to put money in their pockets and build hotels and malls they simply do not care if they are damaging our rivers, oceans, historical landmarks, our ecosystems, etc. This will ultimately ruin the unique beauty and deplinish our local people from being able to create a home in our homeland and raise our children to experiencing the outdoors and exploring our land and be able to see with their own eyes the historical relics that we have enjoyed during our childhood. It was said time and time again "Tourist are in search for our cultural heritage they come to Guam to experience our culture". So why try to take away and destroy that main aspect that our central and southern villages hold dear and offer to our tourist that which they come wanting to experience?
Rachael Haver	Round Rock, TX	2016-03-08	The south is where locals go to feel like they still live in a place where their roots aren't being dug up and built over for commercial tourism?
Elizabeth Flores	Chalan Pago, Guam	2016-03-08	I am signing to protect the estuary in the immediate area of this development.
Averill Leano	North Hollywood, CA	2016-03-08	I'm from the south and like it just the way it is and has been.
Narissa Davis	Oak Harbor, WA	2016-03-08	I'm from Guam. I grew up enjoying the natural settings of Pago Bay. It would be a shame to come home and have anything built on or around this area. I feel it is important to preserve our island of Guam.
Cameron Sabian	Talofofo, Guam	2016-03-09	You going to obstruct our beautiful views ! And also cause majore amount of traffic in the south . Also because the south is know more to be a residential area so let pls leave it as that
Danalyn Salas	Yona, Guam	2016-03-09	I'm signing this because it block the nice view of the ocean
Frances Guerrero	Chalan Pago, Guam	2016-03-09	I don't want another "Tumon" hotel row in our beautiful and serene village.
Dylan Roberts	Pacific City, OR	2016-03-09	Family on Guam and protection of the Island
Jesse Mccarrel	Barrigada, Guam	2016-03-09	My family lives on the river and I'd hate for the development to destroy its natural state and beauty
Manuela Cruz	umatac, Guam	2016-03-09	I want to protect our reef from the damage that this development will cause.
Von Albert Reyes	Dededo, Guam	2016-03-09	We must preserve our land to keep our island pure.
Willi Byerly	Barrigada, Guarri	2016-03-09	Against
Daphne Lujan	Yona, Guam	2016-03-09	We NEED to preserve whatever we have left of our island. Pago Bay, as well as other future developments, will have a great negative impact on our environment and wild life. Be proactive and prevent such events from happening to our beautiful island Sign this petition, PLEASE!
Daisy Sablan	Yona, Guam	2016-03-09	This beautiful place should stay the way it is
StephenJames Meno	Hagatna, Guam	2016-03-09	I am signing this because I grew up in the village of Yona. I grew up driving by the beautiful landscape that is Pago bay. I grew up with the legend and I feel like this will not only degrade the integrity of our land but also the cultural value that Pago bay provides.
			Biba Pago Bayl
Carmelita Paet	Yona, Guam	2016-03-09	We have to preserve the ecosystem and the pristine beauty of Pago Bay for future generations.
Evotia Perez	Pago bay, Guam	2016-03-09	I'm from Pago bay and would like to stop the build upl

	Name	Location	Date	Comment
	Lisa cruz	Barrigada, Guam	2016-03-09	Leo a Palace is good enough Leave Pago Bay alone
	Jason Biggs	Chalan Pago, Guam	2016-03-09	This bay should not be rezoned.
	ouson siggs			Environmental impacts of this development far out weigh the monetary gains if
				few.
	Donovan Leon Guerrero	Tamuning, Guam	2016-03-09	There are other places that can handle the building complex. The area is in question is fragile both ecologically and historically.
				These developers are such losers with no respect for our land.
	Raymond White	Mangilao, Guam	2016-03-09	We need to keep Guam from being over developed, keep the hotels and resorts in Turnon. We dont have much natural resources and Guam is so small that we need to try and keep from it being over developed.
	camillo noket	Spring Valley, CA	2016-03-09	Potehi yan defendi
	Paul Cruz	Barrigada, Guam	2016-03-09	I'm signing because I disagree with the development.
)	Justine Crisostomo	Talofofo, Guam	2016-03-09	I'm signing this petition because we must protect as much land as we can. Majority of our lands are being sold to military or the government to build more buildings. We are running out of land from our ancestors. SIGN THIS PETITION GUAM & LET'S PROTECT OUR SACRED LANDS!
	Chris Green	Barrigada, Guarri	2016-03-09	This is a horrible project with immeasurable problems from infrastructure to traffic to the environmental disaster. No matter the measure of
	Jesse Torres	Saipan, Northern Mariana Islands	2016-03-09	Too much development is bad for Guam. It is the reason why invasive species are coming in and killing the birds and coconut trees. People need to remember that Guam is an island. Tano Chamorroll
	Monique Genereux	Talofofo, Guam	2016-03-09	We need to preserve our land.
	Terrie Fejarang	Pago Bay, Guam	2016-03-09	The people who want to change the area bought the property with full knowledge of the existing zoning and community. As noted in the write up, zoning was established to protect our communities. Change the zoning now? Members of the TLUC, it is your responsibility to listen to the community and vote ABSOLUTELY NO on this!
)	Ray Mainas	Yona, Guam	2016-03-09	Plain and simple Disruption of view and distruction of the sea and land
				environment
	Lia Castro	Chilean Pago, Guam	2016-03-09	Protect Pago Bay
	Tamia Trujillo	Wasilla, AK	2016-03-09	My husband was born and raised there, our family has land there, and it is still where a lot of them live.
	Olga Mun	Chalan Pago, Guam	2016-03-09	I am signing because I feel the need to preserve our islands natural beauty and environmental habitat. If we don't protect our islands natural state, generations to come will be negatively impacted.
	Anna Santos	Tamuning, Guam	2016-03-09	Im signing because i want to protect my future home.
	Denis Snaer	Barrigada, Guarri	2016-03-09	We don't need that build up in that area. Leave Pago bay alone
	Anita Arile	Dededo, Guam	2016-03-09	Chalan Pago is my HOMETOWN!! I was raised there by my grandparents and all my close relatives still live around Chalan Pago and Pago Bay!
	Lattishia Camacho	Chalan pago, Guam	2016-03-09	Protect pago bay!!!!
	Janice Toves	Yigo, Guam	2016-03-09	The ocean and our future children will suffer.
	Jonathan Manglona	Sinajana, Guam	2016-03-09	The island has been through enough construction. The south side of the island is filled with beautiful scenery and I personally would want to preserve the land as much possible.

Name	Location	Date	Comment
Camarin Quitugua	Barrigada, Guam	2016-03-09	I'm signing this petition because Pågo Bay is Home- land and sea that has fed my family and nourished my childhood experiences living in Guåhan. Building a multi-story building at the river mouth will not only damage its natural beauty but also cause problems for our tomorrow's ecosystem and lifestyle, especially for residents of central and southern villages. I oppose any further desecration of my island, most especially for financial gain.
Arlene Salas	Dededo, Guam	2016-03-09	Too much developments on Guam, Leave our island alone, No more developments.
Steven Scroggs	chalan Pago, Guam	2016-03-09	That's where I'm from keep it calm keep it quiet keep it local
Nathan Manibusan	Mangilao, Guam	2016-03-09	We don't need to be losing more of our land, Especially when there are life living on the island
Nalani Marcus	Pago Bay, Guam	2016-03-09	I live in Pago Bay, I would hate to see these high rise buildings destroy our beautiful island.
Nina Bowling	Mangilao, Guam	2016-03-09	Protect our environment by saving Pago Bay for our children and the future generations to come.
Gabriel Camacho	Colorado Springs, CO	2016-03-09	I'm signing because preserving the island is important to me. As a son of Guam it is my responsibility to do my part.
Christina Abanes	Pago Bay, Guam	2016-03-09	It's home. It's already traffic between 715-800 in the morning on weekdays coming from yona going up tge hill to Chalan Pago, what more with this hotel or condomedium that they want to built!
Mikaila San Nicolas	Yigo, Guam	2016-03-09	I am signing this petition because I care about the environment, the animals, and most of all my beautiful island of Guahan.
Robby Chargualaf	Puyallup, WA	2016-03-09	I don't want to see the beauty of our island be destroyed. There are some places that should be left as is. Leave something for our future generations to admire about our island instead of becoming sellouts for some corporations.
kirsten bamba	agana heights, Guam	2016-03-09	Pago bay has one of the best views an no one should block it up with a concrete jungle.
Christina Pangelinan	Henderson, NV	2016-03-09	I don't want my home turning into the mainland
Margaret Pangelinan	Windward Hills -YONA, GU	2016-03-09	I am signing this petition because Pago Bay is sacred to its people, its' historical value and the reminder that The Chamorros breath of life exists in the beauty of their surroundings. We co-exist with our environment and its landscapes and have proven beyond a doubt that our most valuable inheritance is the essence of the essence of culture. A people of resourcefulness kindled by the beauty that we want to protect-our home. We are stewards and the protection of our home is the rent we pay in service to our Creator for the beauty he gave us. Stand down developers, instead stand in service with us.
Richard Atalig	Seattle, WA	2016-03-09	I'm signing because I want our island paradise to stay a paradise. We need to protect the land for the next generation. I might be thousands of miles away, but I still care about what happens at home. Keep Guam Green.
vera imburgia	silver spring, MD	2016-03-09	The Island should remain close to its natural and heritage beauty.
Kim Schwarzkopf	Seattle, WA	2016-03-09	Protecting Pago River and the cultural and historical sites should be the main priority! Building a huge structure will destroy important habitat to the indigenous and endangered species. No more greed! Demand sustainability!
C Babauta	Barrigada, Guam	2016-03-09	We need to keep Guarn GREEN, not GRAYI
Andy Balajadia	Houston, TX	2016-03-09	My true home is Yona and my daily drive to-from FD included the amazing view of Pago Bay. I would love to share this view with my son one day.
Kristina Taylor	Phoenix, AZ	2016-03-09	We need to protect our paradise!

change.org PROTECT PAGO BAY!

Recipient:

GUAM LAND USE COMMISSION

Letter:

Greetings,

PROTECT PAGO BAY HISTORICAL AND CULTURAL SITES

Signatures

Name	Location	Date
Zita Pangelinan	Hagatna, , Guam	2016-03-04
Jessica Nangauta	Guåhan, Guam	2016-03-04
Haisha Gogo	Yona, Guam	2016-03-04
Amanda Bamba	Honolulu, HI, United States	2016-03-04
Chelsa Muña-Brecht	Mangilao, Guam	2016-03-04
James Nangauta	Malesso, Guam	2016-03-04
Randy Sablan	Agana Heights, Guam	2016-03-04
Shannon Siguenza	Tutuhan, Guam	2016-03-04
Gloria Martinez	Emeryville, CA, United States	2016-03-04
Bernard Punzalan	Spanaway, WA, United States	2016-03-04
Elizabeth Hines	Dededo, Guam	2016-03-04
Jerome Perez	Chalan Pago, Guam	2016-03-04
Kie Susuico	Hågat, Guam	2016-03-04
Tano lizama	malojloj, Guam	2016-03-05
Jiana Sanchez	Mangilao, Guarn	2016-03-05
Jeanna Pangelinan	Chalan Pago, GU, United States	2016-03-05
Donna R Garcia	Hayward, CA, United States	2016-03-05
Josephine Ong	Medford, MA, United States	2016-03-05
Jerri Patton	Saint Helena, CA, United States	2016-03-05
Eunice Perez	Dededo, GU, United States	2016-03-05
Desiree Taimanglo Ventura	Yigo, Guam, Guam	2016-03-05
Christopher Munoz	Round Rock, TX, United States	2016-03-05
Art De Oro	Barrigada, Guam	2016-03-05
Gwendolyn Taimanglo	barrigada, GU, United States	2016-03-05
Pauleen Mateo	Dededo, Guam	2016-03-05
William Hernandez	Hagatna, Guam	2016-03-05
Mariana De Oro	Mangilao, Guam	2016-03-05
John Calvo	Barrigada, Guam	2016-03-05
Dawn Reyes	Inarajan, Guam	2016-03-05
Rebecca Evaristo	Seaford, DE, United States	2016-03-05

	Name	Location	Date
	Joni Kerr	Hagatna, Guam	2016-03-05
	Takashi Mizuno	Watsonville, CA, United States	2016-03-05
	Shannon Murphy	Hagatna, GU, United States	2016-03-05
	John Lawrence	Barrigada, Guam	2016-03-05
	Vince Leon Guerrero	Hagatna, Guam	2016-03-05
	Debbie Wareham	San Bernardino, CA, United States	2016-03-05
	Leslie Reynolds	Pago Bay, Guam	2016-03-05
	DonaMila Taitano	Yigo, Guam, Guam	2016-03-05
	Selina Onedera-Salas	Sinajana, Guam	2016-03-05
)	Geraldine Datuin	mangilao, Guam	2016-03-05
	Georgette Barnett	Oklahoma City, OK, United States	2016-03-05
	Leilani Sablan	Vigo, Guam	2016-03-05
	Anna Maria Delgado	Hagatna, Guam	2016-03-05
	Peter Smith	Henderson, NV, United States	2016-03-05
	Carla Noble	Virginia Beach, VA, United States	2016-03-06
	Lynn Flores	Piti, GU, United States	2016-03-06
	Arlene Mortenson	Campbell, CA, United States	2016-03-06
	Vicenta Sanchez Dannelley	Windsor, CA, United States	2016-03-06
	Nicole Miller	Oakdale, CA, United States	2016-03-06
Ì	Lolasita Smartt	Pago Bay, Guam	2016-03-06
	Valeri Lapacek	Mangilao, Guam	2016-03-06
	Michael Thompson	Agat, Guam	2016-03-06
	Ann Marie Gawel	Dededo, Guam	2016-03-06
	Therese Daga	San Antonio, TX, United States	2016-03-06
	Jessica DeBlieck	Dededo, Guam	2016-03-06
	Steven Johnson	Saipan, MP, United States	2016-03-06
	Ursula Herrera	Tumon, Guam	2016-03-06
	Kelly Gregory	Ipan talofofo, Guam	2016-03-06
	Juan Fernandez	Yona, Guam	2016-03-06
	Vicky Billeaudeau	Little Elm, TX, United States	2016-03-06
	ANGELLA ALVAREZ-FORBES	DEDEDO, Guam	2016-03-06
	Baltazar Aguon	Mangilao, Guam	2016-03-06

Name	Location	Date
Jeff Jereza	Sinajana, Guam	2016-03-06
Josi Aguon	Chalan Pago, Guam	2016-03-06
Lisa Cauley	Yoлa, Guam	2016-03-06
patricia fejeran	mangilao, Guam	2016-03-06
Lasia Casil	Guam, Guam	2016-03-06
Gena Rojas	Chalan Pago, Guam	2016-03-06
George Fiedler	Mangilao, Guam	2016-03-06
Diane Rowland	Salem, WI, United States	2016-03-06
Ana Maria Won Pat-Borja	Honolulu, H1, United States	2016-03-06
Robert Bolland	Ogden, UT, United States	2016-03-06
Ronald Mock	Fairfield, CA, United States	2016-03-06
Mariles Benavente	Barrigada, Guam	2016-03-06
Alida G	Tijuana, Mexico	2016-03-06
Erica Torres	Hagatna, Guam	2016-03-06
Sylvia Frain	Petaluma, CA, United States	2016-03-06
Rachel Volsteadt	Barrigada, Guam	2016-03-06
Anne Gorby	Talofofo, Guam	2016-03-06
Lina Perez Taitingfong	Piti, Guam	2016-03-06
Les Aquiningoc	Umatac, Guam	2016-03-07
Phoebe Wall	Yigo, Guam	2016-03-07
Ross Miller	Mangilao, Guam	2016-03-07
Hope Chamberlain	Barrigada, Guam	2016-03-07
Dianne Strong	Yona, Guam	2016-03-07
Rose Dodrill	Asan, Guam	2016-03-07
Anne Brooke	Guam (GUM), Guam	2016-03-07
Frank Aguon, Jr.	Yona, Guam	2016-03-07
Rosalind Hunter-Anderson	Albuquerque, NM, United States	2016-03-07
Amy Owen	Yona, Guam	2016-03-07
Jennifer Quintanilla	Santa Rita, Guam	2016-03-07
Linda Tatreau	Merizo, Guam	2016-03-07
Isha Alexander	Hagatna, Guam	2016-03-07
Darlene Cruz	Sinajana, GU, Guam	2016-03-07

	Name	Location	Date
	Robert Michael Cruz	Sinajana, Guam	2016-03-07
	Adrian Gogue	Chalan Pago, Guam	2016-03-07
	Christina Manglona	Chalan Pago, Guam	2016-03-07
	Thomas Marier	Mangilao, Guam	2016-03-07
	Burt Cruz	Sinajana, Guam	2016-03-07
	Lewis Rifkowitz	Yona, Guam	2016-03-07
	Inez S	Hagatna, Guam	2016-03-07
	Veronica Ige	Yona, LA, Guam	2016-03-07
	Angelin Castro	Chalan Pago, Guam	2016-03-07
)	Zachary Kniskern	Yigo, Guam	2016-03-07
	Elisa Guerrero	Mangilao, FL, Guam	2016-03-07
	Joanne Eakin	Albuquerque, NM, United States	2016-03-07
	Melody Manluck	Dededo, Guam	2016-03-07
	Brandon Unpingco	Brighton, MA, United States	2016-03-07
	Oliver Tribe	Boston, MA, United States	2016-03-07
	Vincent Reyes	AGAT, Guam	2016-03-07
	Rosa Santos	Yona, Guam	2016-03-07
	Jackie Holbrook-Rongo	Yona, Guam	2016-03-07
	Robert & Pat Coble	Seaside, CA, United States	2016-03-07
)	Suzanne Medina	Malojloj, Guam	2016-03-07
	Mark Cruz	Yona, Guam	2016-03-07
	nanette senior	maina, Guam	2016-03-07
	Nora Garces	Sinajana, Guam	2016-03-07
	Carolyn Aflague Arroyo	San Ramon, CA, United States	2016-03-07
	Dolores Babauta	Yona, Guam	2016-03-07
	Roger Cauley	Yona, Guam	2016-03-07
	stacie ayala	apo, AE, United States	2016-03-07
	Suzanne M Hendricks	Yona, GU, United States	2016-03-07
	Simeon Palomo	Tamuning, Guam	2016-03-07
	Annette Donner	Haifa, Israel	2016-03-07
	Gary Wiles	Olympia, WA, United States	2016-03-07
	Renee Harrison	Asan, Guam	2016-03-07

Name	Location	Date
Jerry Bresnahan	Lake in the Hills, IL, United States	2016-03-07
Lenny Fejeran	Toto, Guam	2016-03-07
Rita P. Nauta	Santa Rita, Guam	2016-03-07
Phil Harrison	Asan, GU, United States	2016-03-07
Julie Q Jones Jones	El Cajon, CA, United States	2016-03-07
Tory Borja	Barrigada, Guam	2016-03-07
Robert Wescom	Hagatna, Guam	2016-03-07
Justina Palomo	Mangilao, Guam	2016-03-07
Thomas Anderson	Pago Bay, Guam	2016-03-07
Gertrude Cruz	Tamuning, Guam	2016-03-07
Joseph Atalig	Yona, Guam	2016-03-07
Raymond Anderson	Santa Rita, Guam	2016-03-07
Jathan Muña Barnes	Chalan Pago, Guam	2016-03-07
Kina-Doreen Lewis	Santa Rita, Guam	2016-03-07
Donna MUNA Quinata	Pago Bay, Guam	2016-03-07
Julius Sotomayor	Guam, Guam	2016-03-07
Briana Muna	Dublin, CA, United States	2016-03-07
Stephan Hampton	Tamuning, Guam	2016-03-07
Nicole Borja	Pago Bay, Guam	2016-03-07
Cody Richards	Navarre, FL, United States	2016-03-07
Yvonne Matanane	Pagobay, Guam	2016-03-07
Trisha Rosalin	Piti, Guam	2016-03-07
Moneka De Oro	Mangilao, Guam	2016-03-07
Phillip Blas	Dededo, Guam	2016-03-07
Jiles Blas	Chalan pago, Guam	2016-03-07
Jenny Duenas	Tutuhan, SD, Guam	2016-03-07
Franklin Peres	Yona, Guam	2016-03-07
Nicolas Borja	Pago Bay, Guam	2016-03-07
Martha Tenorio	Talofofo, Guam	2016-03-07
Roxanna Miller	Hagatna, Guam	2016-03-07
Kori Kerr	Dededo, Guam	2016-03-07
Ernie Matson	Talofofo, Guam	2016-03-07

	Name	Location	Date
	Teresita Perez	Hagatna, Guam	2016-03-07
	Christine DeLisle	Champaign, IL, United States	2016-03-07
	Joann Sudo	Yona, Guam	2016-03-07
	Lewie Tenorio	Talofofo, Guam	2016-03-07
	William Roth	Yona, Guam	2016-03-07
	Kevin Iwashita	Mangilao, Guam	2016-03-07
	Kelly Fitzpatrick	Santa Rita, Guam	2016-03-07
	Angela Burce	Mangilao, Guam	2016-03-07
	Maylene Milan	Tamuning, Guam	2016-03-07
)	Lindsay Moore	Asan, GU, United States	2016-03-07
	Lucy Tenorio	Talofofo, Guam	2016-03-07
	Joni Aguon	Barrigada, Guam	2016-03-07
	Kimura Miki	Mongmong, Guarn	2016-03-07
	Jena Cruz	Chalan Pago, Guam	2016-03-07
	Jaylani Leon Guerrero	Chalan pago, Guam	2016-03-07
	Lori Wong	Chalan pago, Guam	2016-03-07
	Sumika San Nicolas	Yigo, Guam	2016-03-07
	Valerie Bilibei	Dededo, Guam	2016-03-07
	Tiffany Lynch	Chalan Pago, Guam	2016-03-08
	Genora Quichocho	Chalan Pago, Guam	2016-03-08
	Juanette Leon Guerrero	Barrigada, Guam	2016-03-08
	Taylor Salas	Mangilao, Guam	2016-03-08
	Lakretia Castro-Santos	Chalan Pago, Guam	2016-03-08
	Carlina Chargauros	Hagatna, Guam	2016-03-08
	cris santiago	Greensburg, IN, United States	2016-03-08
	jeannie leonguerrero	dededo, Guam	2016-03-08
	Benjamin Cruz	Yigo, Guam	2016-03-08
	Francine Arceo	Chalan pago, Guam	2016-03-08
	Odyessa San Nicolas	Yigo, Guam	2016-03-08
	Jennifer Dulla	Santa Rita, Guam	2016-03-08
	Peter Leon Guerrero	Dededo, Guam	2016-03-08
	Francisco blas	sinajana, Guam	2016-03-08

Name	Location	Date
Thomas Tanner	Toto, Guam	2016-03-08
Rhea Taisipic	Yona, Guam	2016-03-08
Burt Sardoma	Tumon, Guam	2016-03-08
Nicole Borja	Talofofo, Guam	2016-03-08
Vanessa Pablo	Chalan Pago, GU, United States	2016-03-08
Miriam Terlaje	Yona, Guam	2016-03-08
Angel Michelle Gutierrez	Yigo, Guam	2016-03-08
Joleen Cruz	Barrigada, Guam	2016-03-08
Jonathan Guerrero	Deededo, Guam	2016-03-08
Vanessa Toves	San Jose, CA, United States	2016-03-08
Isabel Flores	Talofofo, GU, United States	2016-03-08
Luke Duenas	Sinajana, Guam	2016-03-08
Mokihana Kahele	Dededo, Guam	2016-03-08
Connie Rose Lujan Sayama	Yigo, Guam	2016-03-08
Jannica Quintanilla	Tamuning, Guam	2016-03-08
Jennifer LG Mendiola	Agana Hts, Guam	2016-03-08
Terilynn Francisco	Mangilao, Guam	2016-03-08
Sahlee Felisan	Barrigada, Guam	2016-03-08
Rufo Lujan-Espinosa	Talofofo, Guam	2016-03-08
Ninette Criss	Hagatna, Guam	2016-03-08
Kayla Lujan-Espinosa	Talofofo, Guam	2016-03-08
Christine Pablo	Talofofo, Guam	2016-03-08
Joann Augustine	Mongmong, Guam	2016-03-08
anthony salas	yigo, Guam	2016-03-08
Aggy CRUZ	Mangilao, Guam	2016-03-08
Tricia Lizama	Agana Heights, Guam	2016-03-08
Angelina Cruz	Piti, Guam	2016-03-08
Clarinda Naputi	Talofofo, Guam	2016-03-08
Josette Guzman	Santa Rita, Guam	2016-03-08
Michelle Anjanette T Franquez	Mangilao, Guam	2016-03-08
Rachel Hottor	Parker, CO, United States	2016-03-08
Tasi Benavente	Mangilao, Guam	2016-03-08

Name		Location	Date	
Claresa Cruz		Yona, Guam	2016-03-08	
Joan CB Enriqu	ez	Dededo, Guam	2016-03-08	
Hope Cristobal		Tamuning, Guam	2016-03-08	
Evita Lujan Espi	inosa	Talofofo, Guam	2016-03-08	
Erisa Cristobal		Hagatna, Guam	2016-03-08	
Machel Malay		Talofofo, Guam	2016-03-08	
Rufo Lujan Jr		HAGATNA, Guam	2016-03-08	
George Lujan		Dededo, Guam	2016-03-08	
Janet Garrido		Kapolei, HI, United States	2016-03-08	
Arielle Lowe		Mangilao, Guam	2016-03-08	
Jaylani ann Sigu	Jenza	Slaton, TX, United States	2016-03-08	
Rose Marie Taja	alle Hunt	Templeton, CA, United States	2016-03-08	
Julianne Perez		Talofofo, Guam	2016-03-08	
Kristin Oberiano		Los Angeles, CA, United States	2016-03-08	
Joanna Gogue		Chalan Pago, Guam	2016-03-08	
Frank Santos		Sacramento, CA, United States	2016-03-08	
Lisa Manibusan		Barrigada, Guam	2016-03-08	
Ann Marie Flore	es	yigo, Guam	2016-03-08	
Tina Wang		Ipan, Guam	2016-03-08	
Mary Leon Gue	тего	Ewa Beach, HI, United States	2016-03-08	
Kira Cruz		Germany	2016-03-08	
Victoria-Lola Le	on Guerrero	Santa Rita, Guam	2016-03-08	
Andrew Murphy		Honolulu, HI, United States	2016-03-08	
Roy Pablo		Talofofo, Guam	2016-03-08	
Alea Dugan		Sinajana, Guam	2016-03-08	
Jose Dibene		Yigo, Guam	2016-03-08	
Mark Vergara		Seattle, WA, United States	2016-03-08	
MeShawn Dimo	os	Templeton, CA, United States	2016-03-08	
Shayna Lynn Sa	an Nicolas	tamuning, Guam	2016-03-08	
Gerard Mendiol	a	Yona, Guam	2016-03-08	
Jonathan Duena	as	Agana Heights, Guam	2016-03-08	
lan Taitano		Barrigada, Guam	2016-03-08	

Name	Location	Date
frank Camacho	hagatna, Guam	2016-03-08
Alex Santiago	Tamuning, Guam	2016-03-08
Airian Diaz	Yigo, Guam	2016-03-08
Jesse Aguon	Mangilao, Guam	2016-03-08
Michael Gumataotao	Santa rita, GU, United States	2016-03-08
Robert Castro	Yigo, Guam	2016-03-08
Rufae Santos	Mongmong, Guam	2016-03-08
George Hernandez	Yona, Guam	2016-03-08
Marina Vergara Wong	Mililani, HI, United States	2016-03-08
Rudy Lanada jr	Dededo, Guam	2016-03-08
Paul Capistrano	Dededo, Guam	2016-03-08
Anna Eustaquio	Agana Heights, Guam	2016-03-08
Gary Heathcote	Fredericton, Canada	2016-03-08
Ma-ryan Cepeda	Colorado Springs, CO, United States	2016-03-08
Michael Carandang	Yona, Guam	2016-03-08
James Joe Pillman	Agat, Guam	2016-03-08
Gerald Kosaka	Guam, GU, United States	2016-03-08
Christie Jones	Seattle, WA, United States	2016-03-08
James Lewis	Pago Bay, Guam	2016-03-08
Jenny Lee	Maite, Guam	2016-03-08
Marissa Collins	Dededo, Guam	2016-03-08
Christian Franquez	North Las Vegas, NV, United States	2016-03-08
Camirin Manibusan	Inarajan, Guam	2016-03-08
Bernadita Duenas	Talofofo, Guam	2016-03-08
Mariana Lujan Sanders	Yo'ña, Guam	2016-03-08
Jamie Duenas	Agana Heights, Guam	2016-03-08
Erlissa Delfin	Agana Heights, Guam	2016-03-08
Vincent Bamba	Yigo, Guam	2016-03-08
George Untalan	Puyallup, WA, United States	2016-03-08
Eric Manibusan	Talofofo, Guam	2016-03-08
Lauren Sablan	Tacoma, WA, United States	2016-03-08
Jamie Cruz	Hurlburt Field, FL, United States	2016-03-08

Name	Location	Date
Vincent Santos	Spring, TX, United States	2016-03-08
Jaclyn Castro	Agana Heights, Guam	2016-03-08
Kebrina Duenas	Agana Heights, Guam	2016-03-08
April Lopez	Dededo, GU, United States	2016-03-08
iain Gault	Agana Heights, Guam	2016-03-08
Justin Castro	Agana Heights, Guam	2016-03-08
Joney Jesus	Piti, Guam	2016-03-08
Frank Untalan	Honolulu, HI, United States	2016-03-08
Joycelene Chaco	Agat, Guam	2016-03-08
Richard Luzanta	Hagatna, Guam	2016-03-08
Mike Gawel	Dededo, Guam	2016-03-08
Gordon Santos	Santa Rita, Guam	2016-03-08
Dana Bollinger	Barrigada, Guam	2016-03-08
Daniel Robertson	Talofofo, Guam	2016-03-08
Lisa DiBene	YIGO, Guam	2016-03-08
Whitney Blandford	Tamuning, Guam	2016-03-08
Stacey Kosaka	Talofofo, Guam	2016-03-08
Anita Santos	Mililani Town, HI, United States	2016-03-08
Monica Karagosian	Asan, Guam	2016-03-08
Alexandra Benavente	Dededo, Guam	2016-03-08
Austin Terlaje	Yona, Guam	2016-03-08
Jack Ary	Yona, GU, United States	2016-03-08
Charlyne Guerrero	Dededo, Guam	2016-03-08
Christina Adelbai	Mangilao, Guam	2016-03-08
Pika Fejeran	Toto, Guam	2016-03-08
Monica Baza	Talofofo, Guam	2016-03-08
Lani Bordallo	Ipan, Guam	2016-03-08
Carla Cherry	Maite, Guam	2016-03-08
crystsl toved	Germany	2016-03-08
Priscilla Manibusan	Dededo, Guam	2016-03-08
Annalisa Livingston	Yona, Guam	2016-03-08
Gena Wynn	Dededo, Guam	2016-03-08

Name	Location	Date
jacqueline cruz	hagatna, Guam	2016-03-08
maria cruz	hagatna, Guam	2016-03-08
Kenedy Taitague	hagatna, Guam	2016-03-08
jennifer zabala	Agat, Guam	2016-03-08
Debbie Purcell	Hagatna, Guam	2016-03-08
Dianne Yost	Mangilao, Guam	2016-03-08
George-Anthony BORJA	HAGATNA, Guam	2016-03-08
Nichole Quintanilla	CHalan Pago, Guam	2016-03-08
Francesca Taitague	hagatna, Guam	2016-03-08
Gabriel Cubacub	Dededo, Guam	2016-03-08
Kaitlin McManus	Santa Rita, Guam	2016-03-08
Michelle Camacho	Yona, Guam	2016-03-08
Danica Malumay	Barrigada, Guam	2016-03-08
Joleen Perez	Tooele, UT, United States	2016-03-08
Leonardo Orsini	Hagåtña, Guam	2016-03-08
Ivy Nadine Mendoza	yigo, Guam	2016-03-08
Renato Mabayag	Tamining, Guam	2016-03-08
Gabriel Posadas	Ordot, Guam	2016-03-08
Chris Miya	Japan	2016-03-08
Joshua Fernandez	Yigo, Guam	2016-03-08
Margaret Anderson	Mangilao, Guam	2016-03-08
Marian Aguon	Yona, Guam	2016-03-08
Richard Ichihara	Yona, Guam	2016-03-08
Anthony Babauta	Santa Rita, Guam	2016-03-08
Troy Torres	Yona, Guam	2016-03-08
Rosalie Bongato	chalan pago, guam, Guam	2016-03-08
Shizue Iriarte	Chalan Pago, Guam	2016-03-08
Tina Flores	Chalan Pago, Guam	2016-03-08
Arun Swamy	Chalan Pago, Guam	2016-03-08
Barbara S.N. Benavente	Hagatna, Guam	2016-03-08
John Meta Sarmiento	Yigo, Guam	2016-03-08
Eric Sayama	Sinajana, Guam	2016-03-08

Name	Location	Date
Gypsy Baker	Chesapeake, VA, United States	2016-03-08
Roque Rosario II	Mangilao, Guam	2016-03-08
Tracey Kim	Dededo, Guam	2016-03-08
frances mulraney	Swindon, ENG, United Kingdom	2016-03-08
Nicolas Rice	Santa Rita, Guam	2016-03-08
Megan Taitague	Yona, Guam	2016-03-08
P. K. Harmon	Mangilao, Guam	2016-03-08
Maria Iriarte	Mangilao, Guam	2016-03-08
Bill Cundiff	Agat, Guam	2016-03-08
Joseph Villagomez	Dededo, Guam	2016-03-08
Mickala Jess	Bellevue, IA, United States	2016-03-08
Victoria-Irene Cruz	Dededo, Guam	2016-03-08
Barbara P. Benavente	Tamuning, Guam	2016-03-08
Joleen Castro	Yona, Guam	2016-03-08
Patricia Birosel	Barrigada, Guam	2016-03-08
Shane Root	Ordot, Guam	2016-03-08
valorie tyquiengco	el paso, TX, United States	2016-03-08
Bernadita Grajek	Phoenix, AZ, United States	2016-03-08
Aja Ramos	Barrigada, Guam	2016-03-08
Monaeka Flores	Hagatna, GU, United States	2016-03-08
Nadezda Borja	Renton, WA, United States	2016-03-08
Beaudy Camacho	Tamuning, Guam	2016-03-08
Alicia Munroe	Gaston, OR, United States	2016-03-08
Julia Chaco	Lake City, FL, United States	2016-03-08
Leticia Gange	Barrigada, Guam	2016-03-08
Delfina Cruz	Dededo, Guam	2016-03-08
Shawn Naputi	SanFrancisco, GU, United States	2016-03-08
Alfred Omallan	Yona, Guam	2016-03-08
Tomas OMALLAN	Windward hills YONA, GU, United States	2016-03-08
Akiko Naval	APO, AE, United States	2016-03-08
Melissa Dills	Jacksonville, FL, United States	2016-03-08
kierr calvo	yigo, Guam	2016-03-08

Name	Location	Date
Tatyanna Travis	Prattville, AL, United States	2016-03-08
Linda Usita	Chalan pago, Guam	2016-03-08
Joni Tipton	Lawrence, KS, United States	2016-03-08
Jeri Lawrence	Browning, MT, United States	2016-03-08
Mary Cepeda	Dededo, Guam	2016-03-08
Eric Agar	Yona, Guam	2016-03-08
Jill Chaco	Yona, Guam	2016-03-08
Gennette Simmons	Nimitz Hill, Guam	2016-03-08
Ann Perez	Hayward, CA, United States	2016-03-08
Sarah Jones	Chevy Chase, MD, United States	2016-03-08
David Taitano	Piti, GU, United States	2016-03-08
Ryan Mercado	Dededo, Guam	2016-03-08
Marylou Staman	Mangilao, Guam	2016-03-08
Lily Green	Shreveport, LA, United States	2016-03-08
Angela Anderson	Pago Bay, Guam	2016-03-08
Rachel Luavasa	Mangilao, GU, United States	2016-03-08
Black Frederick	Chalan Pago, Guam	2016-03-08
Meagan Mcdonald	Agana Heights, Guam	2016-03-08
Jayla Lujan	Talofofo, Guam	2016-03-08
Edwin Carlos	Chalan Pago, Guam	2016-03-08
Isaiah Cruz	Santa rita, Guam	2016-03-08
Nadia Untalan	Gilbert, AZ, United States	2016-03-08
Anisa Topasna	Talofofo, Guarn	2016-03-08
Frances Torres	Houston, TX, United States	2016-03-08
Kianna Lyle	Asan, Guam	2016-03-08
Nolan Flores	Yoña, Guam	2016-03-08
Franceska De Oro	Mangitao, VA, Guam	2016-03-08
Sara Falgan	Chalan Pago, Guam	2016-03-08
Lorena Murer	Barrigada, Guam	2016-03-08
Rachael Haver	Round Rock, TX, United States	2016-03-08
Tina Cruz	Dededo, Guam	2016-03-08
Jamila olivares	Santa Rita, Guam	2016-03-08

Name	Location	Date
Tera Hannah	Sacramento, CA, United States	2016-03-08
Judy Taitano	Piti, Guam	2016-03-08
Danielle Schnabel	Maite, Guam	2016-03-08
Teihini Davis	Talofofo, Guam	2016-03-08
Vincent Bamba	Yona, Guam	2016-03-08
Elizabeth Flores	Chalan Pago, Guam	2016-03-08
Michael Fernandez	Puyallup, WA, United States	2016-03-08
Ernie John G. Samelo	Santa Rita, Guam	2016-03-08
Ron Shimizu	Ordot, Guam	2016-03-08
amy jackson	santa rita, Guam	2016-03-08
Angela Camacho	Dededo, Guam	2016-03-08
Averill Leano	North Hollywood, CA, United States	2016-03-08
Narissa Davis	Oak Harbor, WA, United States	2016-03-08
Cameron Sablan	Talofofo, Guam	2016-03-09
Danalyn Salas	Yona, Guam	2016-03-09
Christina Schnabel	Hagatna, GU, United States	2016-03-09
chris fernandez	Maricopa, AZ, United States	2016-03-09
Fatima Dominguez	Mangilao, GU, United States	2016-03-09
Tanya Aguon	Fairfield, CA, United States	2016-03-09
Therese Schnabel	Maite, Guam	2016-03-09
Ryan Bustamante	Dededo, Guam	2016-03-09
Frances Guerrero	Chalan Pago, Guam	2016-03-09
Dylan Roberts	Pacific City, OR, United States	2016-03-09
Renee Schnabel	Maite, Guam	2016-03-09
Jesse Mccarrel	Barrigada, Guam	2016-03-09
Manuela Cruz	umatac, Guam	2016-03-09
Von Albert Reyes	Dededo, Guam	2016-03-09
Daisy Flores	Barrigada, Guam	2016-03-09
Willi Byerly	Barrigada, Guam	2016-03-09
Anessa Meno	Yona, Guam	2016-03-09
Shannon Player	Coronado, CA, United States	2016-03-09
Diona Drake	Mangilao, Guam	2016-03-09

Name	Location	Date
David Sanchez	Yona, GU, United States	2016-03-09
Janeen Quinene	Waco, TX, United States	2016-03-09
Daphne Lujan	Yona, Guam	2016-03-09
Kristina French	Mangilao, Guam	2016-03-09
isabella chargualaf	yona, Guam	2016-03-09
Jacob Richards	Yigo, Guam	2016-03-09
dakota camacho	Madison, WI, United States	2016-03-09
Barbra Taylor	Kailua, HI, United States	2016-03-09
Marsha Postrozny	lpan-Talofofo, Guam	2016-03-09
Thorin Sorensen	Princeton, WI, United States	2016-03-09
cori lemos	Rohnert Park, CA, United States	2016-03-09
Stephanie Lujan	Austin, TX, United States	2016-03-09
Scott Anderson	Chalan Pago, Guam	2016-03-09
Daisy Sablan	Yona, Guam	2016-03-09
StephenJames Meno	Hagatna, Guam	2016-03-09
Adriana Jimenez	San Juan, United States	2016-03-09
Carmelita Paet	Yona, Guam	2016-03-09
Frank Roberto	Barrigada, Guam	2016-03-09
Riah Aquiningoc	Umatac, Guam	2016-03-09
Dolores Cruz	Chalan Pago, Guam	2016-03-09
Evotia Perez	Pago bay, Guam	2016-03-09
JoAnn Aquiningoc	Ewa Beach, HI, United States	2016-03-09
Lisa cruz	Barrigada, Guam	2016-03-09
Vince Aguon	Yona, Guam	2016-03-09
Jason Biggs	Chalan Pago, Guam	2016-03-09
Robert Bucek	Yigo, Guam	2016-03-09
Nathan Doyle	Ipan, GU, United States	2016-03-09
Donovan Leon Guerrero	Tamuning, Guam	2016-03-09
Joselyn Cruz	Tamuning, Guam	2016-03-09
Frank Babauta	Yona, Guam	2016-03-09
Joe Balajadia	Yona, Guam	2016-03-09
Lisa Stettenbenz	Mangilao, Guam	2016-03-09

Name	Location	Date
Renae Punzalan	Toto, Guam	2016-03-09
Raymond White	Mangilao, Guam	2016-03-09
camillo noket	Spring Valley, CA, United States	2016-03-09
Paul Cruz	Barrigada, Guam	2016-03-09
Teresa Quinata	Ewa Beach, HI, United States	2016-03-09
Tameeka Chargualaf	Yigo, Guam	2016-03-09
Alan Phan	Phoenix, AZ, United States	2016-03-09
Justine Crisostomo	Talofofo, Guam	2016-03-09
Edward Chang	Ypna, Guam	2016-03-09
John Anthony Bermudes	Barrigada, Guam	2016-03-09
Chris Green	Chalan Pago, Guam	2016-03-09
Angela Sudo	Yona, Guam	2016-03-09
Edwin Yatar	Santa Rita, Guam	2016-03-09
Seve Susuico	Chalan pago, Guam	2016-03-09
Jesse Torres	Saipan, Northern Mariana Islands	2016-03-09
Monique Genereux	Talofofo, Guam	2016-03-09
John Anderson	Merizo, Guam	2016-03-09
Terrie Fejarang	Pago Bay, Guam	2016-03-09
Christopher Florig	Tumon, Guam	2016-03-09
Jessecca Craig	Yigo, Guam	2016-03-09
Raymond Mafnas	Yona, Guam	2016-03-09
Courtney Buccat	Yona, Guam	2016-03-09
Lia Castro	Chilean Pago, Guam	2016-03-09
Samuel Flores	Inarajan, Guam	2016-03-09
Allison Miller	Tumon, Guam	2016-03-09
Ashley Sudo	Yona, Guam	2016-03-09
Crystal Bunoan	Yona, Guam	2016-03-09
Monica Adela Lujan	Mangilao, Guam	2016-03-09
Kristen Laguana	Hilo, HI, United States	2016-03-09
Lauren Gutierrez	Maina, Guam	2016-03-09
Tracelyn Perez	Hagatna, Guam	2016-03-09
Tamia Trujillo	Tumon, Guam	2016-03-09

Name	Location	Date
Ana Babauta	Yona, Guam	2016-03-09
Josita Harris	Barrigada, Guam	2016-03-09
Yuka Oguma	Maite, Guam	2016-03-09
Patricia Flores	Barrigada, Guam	2016-03-09
Elisha Balajadia	Dededo, Guam	2016-03-09
Emmanuel Cruz	Mangilao, Guam	2016-03-09
Victoria Pinaula	Agat, Guam	2016-03-09
Charity Cruz	Maina, Guam	2016-03-09
Mario Martinez	Yona, Guam	2016-03-09
Olga Mun	Chalan Pago, Guam	2016-03-09
Anna Santos	Tamuning, Guam	2016-03-09
Denis Snaer	Barrigada, Guam	2016-03-09
Michelle Pier	Talofofo, Guam	2016-03-09
Ewalani Escrupulo	agat, Guam	2016-03-09
Anita Manibusan Arile	Dededo, Guam	2016-03-09
Darleen Hiton	Chalan Pago, Guam	2016-03-09
Lattishia Camacho	Chalan pago, Guam	2016-03-09
Joshua Aguon	Sinajana, Guam	2016-03-09
Rachel Pinaula	Sumay, Piti, Guam	2016-03-09
Lois Perez	Chalan Pago, Guam	2016-03-09
Portia Dawn Cruz	Sinajana, Guam	2016-03-09
Debra Tuncap	Chalan Pago, Guam	2016-03-09
Janice Toves	Yigo, Guam	2016-03-09
Sheila Sablan-Cruz	Sinajana, Guam	2016-03-09
James Cruz	Chalan Pago, Guam	2016-03-09
Jonathan Manglona	Sinajana, Guam	2016-03-09
Ryan Jackson	Inarajan, Guam	2016-03-09
Jomae Bamba	Mongmong, Guam	2016-03-09
Apryl Fejeran	chalan pago, Guam	2016-03-09
Ziola King	Tamuning, Guam	2016-03-09
Kenneth Roldan	Dededo, Guam	2016-03-09
Steven Tydingco	Tamuning, Guam	2016-03-09

	Name	Location	Date
	John Orrukem	Tamuning, Guam	2016-03-09
	Shanice Poe	Yigo, Guam	2016-03-09
	Jerusa Laguana	Santa Rita, Guam	2016-03-09
	Krista Pangelinan-Mack	Yona, Guam	2016-03-09
	Matthew Mafnas	Santa Rita, Guam	2016-03-09
	Naomi Sanchez	Santa Rita, Guam	2016-03-09
	Kasteen Arceo	Yona, Guam	2016-03-09
	June Aflague	Hagatna, Guam	2016-03-09
	Gina Campos	Santa rita, Guam	2016-03-09
)	justin paul campos	santa rita, Guam	2016-03-09
	Lisa Natividad	Barrigada, Guam	2016-03-09
	Charlotte Garrido	las vegas, NV, United States	2016-03-09
	Camarin Quitugua	Chalan Pågo, Guam	2016-03-09
	Tricia Baker	MANGILAO, Guam	2016-03-09
	Ashley Marie Fejeran	Toto, Guam	2016-03-09
	Ariene Salas	Dededo, Guam	2016-03-09
	Nicole Campos	santa rita, Guam	2016-03-09
	Jianna Balbas	Chalan Pago, Guam	2016-03-09
	Steven Scroggs	chalan Pago, Guam	2016-03-09
	Hazel Taguiam	Dededo, Guam	2016-03-09
	Breana Scroggs	Chalan Pago, Guam	2016-03-09
	Darlene Caasi	Dededo, Guam	2016-03-09
	Kristian Alegre	Mangilao, Guam	2016-03-09
	Lexie Mckinsey	Bremerton, WA, United States	2016-03-09
	Nathan Manibusan	Mangilao, Guam	2016-03-09
	Nalani Narcis	Pago Bay, Guam	2016-03-09
	Nina Bowling	Mangilao, Guam	2016-03-09
	Jose Yamashita	Yona, Guam	2016-03-09
	Gabriel Camacho	Colorado Springs, CO, United States	2016-03-09
	Dexter Starr	Mangilao, Guam	2016-03-09
	Randy Eustaquio	Yona, Guam	2016-03-09
	Christina Abanes	Pago Bay, Guam	2016-03-09

Name	Location	Date
Joseph Perez	San Mateo, CA, United States	2016-03-09
Annalisa Rosario	Yona, Guam	2016-03-09
Mikaila San Nicolas	Yigo, Guam	2016-03-09
Maria Procalla	Mangilao, Guam	2016-03-09
Charles Baker	Mangilao, Guam	2016-03-09
Cara Flores-Mays	Barrigada, Guam	2016-03-09
Robby Chargualaf	Puyallup, WA, United States	2016-03-09
Jordan Rosario	Yona, Guam	2016-03-09
Nicole Manangan	Henderson, NV, United States	2016-03-09
Elaine Mejia	Miami, FL, United States	2016-03-09
kirsten bamba	agana heights, Guam	2016-03-09
Christina Pangelinan	Henderson, NV, United States	2016-03-09
Anya Perez	Honolulu, HI, United States	2016-03-09
Margaret Pangelinan	Windward Hills -YONA, GU, United States	2016-03-09
Gabrielle Pangelinan	Puyallup, WA, United States	2016-03-09
Charlene Perez	San Mateo, CA, United States	2016-03-09
Richard Atalig	Seattle, WA, United States	2016-03-09
Aarom Sanchez	Yona, Guam	2016-03-09
Chris Osborn	New York, NY, United States	2016-03-09
Dolores Camacho	Agana Heights, Guam	2016-03-09
Andy Wall	Brooklyn, NY, United States	2016-03-09
Tommy Penner	Warren, MI, United States	2016-03-09
Amy Horton	New York, NY, United States	2016-03-09
Meghan Oretsky	Brooklyn, NY, United States	2016-03-09
Rebecca Tharp	Brooklyn, NY, United States	2016-03-09
Christopher Camacho	Honolulu, HI, United States	2016-03-09
vera imburgia	silver spring, MD, United States	2016-03-09
Kim Schwarzkopf	Seattle, WA, United States	2016-03-09
Eric Hipolito	Chandler, AZ, United States	2016-03-09
Cecily Bishop	Kent, WA, United States	2016-03-09
Micah Perez	Barrigada, GU, United States	2016-03-09
Debbie Respicio	Mangilao, Guam	2016-03-09

Name

Christopher Babauta

Location

Barrigada, Guam

Date

2016-03-09

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagātña, GU 96932

GLUC COMMISSIONERS

JOHN Z. ARROYO CHAIRMAN

VICTOR F. CRUZ VICE- CHAIRMAN

CONCHITA D. BATHAN
COMMISSIONER

BEATRICE "TRICEE" P. LIMTIACO
COMMISSIONER

TAE S. OH COMMISSIONER

VACANT (2) COMMISSIONER

EXECUTIVE SECRETARY
MICHAEL J.B. BORJA

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Facsimile: 671-649-5383





GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION



March 10, 2016



Honorable Frank B. Aguon, Jr.

I Mina' Trentai Tres Na Liheslaturan Guahan

33rd Guam Legislature

Suite 503, DNA Bldg.

238 Archbishop Flores Street

Hagåtña, Guam 96910

Re: Request to Withhold Action (Pago Bay Marina Resort)

Hafa Adai Senator Aguon:

Thank you for your interest and concern regarding this land use application that is currently before the Guam Land Use Commission (GLUC).

I regret to inform you that at this stage of deliberation, the Commission will not be able to accommodate your request to suspend any further discussion and/or future decisions on this application. This position is solely based on parliamentary edicts to which our rules are founded and subjected to and likewise designed to reflect the spirit of due process.

With respect to allowing both the municipalities of Yona and Chalan Pago-Ordot to express their position on the project, please note that as of the date of this letter, the public has had ample opportunity to provide input since the project's municipal public hearing at the Yona Community Center on January 6, 2016 and on the February 25, 2016 GLUC hearing.

Regardless, the Commission has received and I suspect, will continue to receive various letters from private citizens. I would like to ensure you that every letter received either of a dissenting or concurring opinion will continue to be entered as official record at the next and perhaps following hearing agenda for this project and will be used for GLUC deliberation.

¹ See Title21 Guam Code Annotated, Chapter. 60, Section 60405.

Senator Frank Aguon Jr. March 10, 2016 Page 2

In the eyes of the Commission, public input serves as a vital, if not critical element on how it crafts its decision and/or intent of action.

Thus, I must respectfully note we must remain clear of our objectives as stewards of this process and to insure proper deliberation, debate, and actions that exact due process fall well within the confines of our procedural authority.

I thank you for this opportunity to respond to your letter, and I am hopeful of your appreciation of our efforts to do best for our island community.

Sincerely,

JOHN Z. ARROY

Chairman

Quam Land Use Commission

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Reburial of human remains have yet to be reburied in the area designated as the Reburial Monument site.	Will provide and coordinate a new burial site. Previous plans were submitted to DPR and will coordinate a new re-burial location with DPR.
2.	Completion of the Public Beach Access to the ocean shore required by law.	Was completed during phase 1 of the project development.
3.	Reburial Monument Site and the public beach access encroached and compromised by the proposed development. Potential adverse effects to cultural properties may affected by the proposed development.	Will coordinate with DPR to mitigate any potential compromises.
4.	The developer must hire a qualified archaeologist to prepare an Archaeological Monitoring Discovery, and Data Recovery Plan in consultation with DPR.	Will comply with DPR recommendations for any new Archaeological Monitoring Discovery, and Data Recovery Plan.
	Recommendation: Mr. Sana and Mr. Sherman to schedule a meeting soon, with DPR staff to discuss concerns raised. No recommendation of approval until an agreement is forged to address and resolve the pending reburial of human remains and the public beach access to the ocean shore.	Applicant has a scheduled meeting with DPR at the earliest for March 25, 10:00 am., at the DPR office.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPR

ltem No.	SUMMARY OF COMMENTS	RESPONSE
1.	Reburial of human remains have yet to be reburied in the area designated as the Reburial Monument site.	Will provide and coordinate a new burial site. Previous plans were submitted to DPR and will coordinate a new re-burial location with DPR.
2.	Completion of the Public Beach Access to the ocean shore required by law.	Was completed during phase 1 of the project development.
3.	Reburial Monument Site and the public beach access encroached and compromised by the proposed development. Potential adverse effects to cultural properties may affected by the proposed development.	Will coordinate with DPR to mitigate any potential compromises.
4.	The developer must hire a qualified archaeologist to prepare an Archaeological Monitoring Discovery, and Data Recovery Plan in consultation with DPR.	Will comply with DPR recommendations for an new Archaeological Monitoring Discovery, and Data Recovery Plan. Applicant has a scheduled mosting with DPR at
	Recommendation: Mr. Sana and Mr. Sherman to schedule a meeting soon, with DPR staff to discuss concerns raised. No recommendation of approval until an agreement is forged to address and resolve the pending reburial of human remains and the public beach access to the ocean shore.	Applicant has a scheduled meeting with DPR at the earliest for March 25, 10:00 am., at the DPI office.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DPW Item No. **SUMMARY OF COMMENTS** RESPONSE 1. Incorporate eco-green and energy efficient as Will comply. Our plan is to incorporate energy part of the design concept. saving devices as well as some renewal energy concepts. 2. Provide structural analysis for winds velocity Will comply with the code. that can withstand 170 mph. 3. Outdoor amenities including landscaping must Will provide lavish, green landscaping using be design in detail and make use of its physical many indigenous plant species. and biological resources which will make a great impact to the environment. Must provide a soil and geology engineering 4. A soil engineer will be retained for soil and report. Must provide a traffic impact analysis to geology requirements. The developer is aware be Coordinated with DPW, Division of Highways. of the recent DPW's 2030 Traffic Master Plan. The developer will undertake any localized traffic problems resulting in vicinities of the project site. 5. Parking layout, accessible parking stalls must Will comply with ADA requirements. comply with the ADA requirements. 6. Entrance/exit must be wide enough for public Will comply and coordinate design layout with access. DPW. 7. Must provide public access to the beach area. The access already exist on the property. 8. Provide solid waste composition. Post construction domestic solid waste will be disposed through a private collection company. 9. Recommendation: recommends approval A complete set of design drawings will be subject to comments review by the Application provided to DPW prior to construction in Review Committee (ARC) with condition that the compliance with all building codes. complete set of design drawings must meet all the requirements in conformance with the latest 10. Building Code edition applicable to civil, Will comply. All design will be performed by structural, mechanical, electrical, and plumbing. qualified design professionals.

Additionally, flood zone and ADA requirements.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: DAGR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	DAGR requires a recent biological survey to	We planned no construction within the
	determine that no protected indigenous flora	wetland. If any Federal Endangered Species are
	and fauna recently listed on the Federal	encountered during the construction activity,
	Endangered Species list is affect ted by the	the finding will be promptly reported and
	development prior to approval of a clearing,	mitigation coordinated with DAGR.
	grading and building permit. Should the	
	consultant find such species in the area they	
	must be protected by either leaving in place	
	and no development occurs in the area or can	
	be relocated to a section of the property	
	where development is restricted to a "green	
	zone" meaning that a portion of the property	
	will be kept in an original state such as the	
	wetland and river habitat that will be left so	
	that these endangered and indigenous species	
	can thrive and live.	
2.	Wetland. The wetland points identified by	A 15 feet buffer zone will be provided between
	ARC Environmental closest to river system	the construction area and wetland boundary.
	must be identified through signs and markers	We will install silt fences along sensitive areas
	to insure that no encroachment by heavy	to be protected prior to any work. Wetlands will
	equipment and other machinery takes place. A	not be disturb during construction.
	buffer zone must be maintained between the	
	proposed development and the river/wetland	
	habitat to add further protection of this area.	
	Nipa palm are within government jurisdiction	1
	and cannot be harvested as they provide	
	protection of the river system by preventing	
	erosion into this area.	
3.	Implement BMPs and Mitigation controls to	Silt fences and other erosion control methods
	ensure that no erosion of any fill material or	and measures will be in place prior to
	dredge is allowed to enter into the protected	construction.
	areas. Silt screens and other erosion control	
	measures must be erected and maintained	Signs in compliance with OSHA will be posted
	throughout the entire period of development.	on site.
	Prohibit any activity requiring use of heavy	
	equipment and other machinery or materials	
	that use fuels, chemicals near coastal waters,	
	river and wetland zones. Such activity must be	
	done at an approved OSHA site that contains	
	the proper systems to catch any spillage and	
	leakage. Signs must be posted on site notifying	
	workers that these activities are prohibited.	

Project: Pago Bay Marina Resort

Case No: 2015-29

Agency: ____

DAGR

Item No.	SUMMARY OF COMMENTS	RESPONSE
	The agency may impose fines and penalties for any destruction and contamination of these areas.	
4.	DAGR recommends that the developer include a Comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.	We have prepared landscaping plans. We will incorporate many indigenous species of plants shrubs and trees to be included in the project's landscape.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: BSP

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Flood Zone- The property has been identified to be located in a flood zone. (FEMA flood zone high risk "A") This area has a 1% annual chance of flooding and a 26% chance of flooding over a 30 year Mortgage. Adhere with Policy NS-3, NCGLUP.	The High Hazard "A" Zone is within the wetland area. A very small portion of this high risk zone is within the building footprint. The main floor building pad elevation will be elevated
2.	Inconsistent with the legislative intent of 21GCA, Chapter 61, §61504 Zoning Law; Statement of Purpose: Building and Building Height Restriction in Beach Areas. See agency position statement dated: Nov. 30, 2015. GCMP Resource Policy 5 Visual Quality	approximately 15 feet above existing grade. Complied with this section of the Zoning Law. The proposed building height exceeds 20', therefore, a setback of more than 75' is required for the proposed building from the High Water Mark. The proposed building setback is 180' from High Water Mark.
3.	Protection of Marine Waters. Compliance with 21 GCA Chapter 63. Guam Territorial Seashore Protection Act. Recommendations: a. Applicant must provide open vegetated buffer yards between the shoreline and Buildings in accordance with Policy NS-9 NCGLUP. b. Employ erosion and sediment controls during construction and avoid sedimentation from entering in the water. Use best management practice including silt fencing as provided as an example in the CNMI/Guam Stormwater Management Manual, October 2006. c. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective Implementation of erosion control methods.	A beach access will be demarcated for public use on the property in accordance with 21 GCA Chapter 63. a. More than 180 feet of buffer yard and open space between the shoreline and building is provided in the design. b. Will be provided during building permit. c. Will comply with this recommendation.
4.	Wetlands. Avoid impacting wetlands during Clearing, grading and construction.	The proposed development will not disturbed the existing wetland.
5.	Stormwater Management. Avoid stormwater discharge into the Pago River and Pago Bay. Recommendation: a. Submit a drainage plan for managing stormwater on site. b. Implement BMPs to control erosion and runoffs during and post construction in	 a. Will comply with the policy for stormwater management during construction. b. Will comply with BSP recommendations. c. Will coordinate with GEPA during building permitting.

Project: Pago Bay Marina Resort

__Case No: 2015-29

_Agency: _

BSP

Item No.	SUMMARY OF COMMENTS	RESPONSE
	accordance to CNMI/GUAM Stormwater Management Manual. • 2.1 Construction Stormwater Treatment Criteria and Standards; • 2.2 Post Construction Stormwater Treatment Standards and Criteria; • 3.2 Acceptable Post-Construction BMPs. c. Consult with the Guam EPA for effective implementation of stormwater management practices.	
6.	Low Impact Development (LID). The applicant is encourage to implement LID practices. See paragraph 2, of section 6 of position statement. An electronic file of the guide book "Island Stormwater Practice Design Specifications" is available at the CZMP office.	Will adhere to the recommendations contained in the "Island Stormwater Practice Design Specifications" where applicable and LIDs where practicable.
7.	Historic Preservation. To preserve historic properties and artifacts, the applicant is [advised] to coordinate with the Dept. of Parks and Recreation, Guam Historic Resources Division, when excavation is involved.	Will comply with Parks and Rec requirements in preserving historical artifacts, if discovered during construction activities. Prior to excavation, Parks and Rec Guam Historic Resources Division will be advised.
8.	Beach Access. Beach access in accordance to 21 GCA Real Property Ch. 65 shall not be impeded at all times. Agreements with applicant for provision of releasable access to and use of resources of public nature located on such land.	An unimpeded concrete paved access is provided and is presently accessible directly from Route 4.
9.	Invasive Species and Native Flora. The applicant is [advised] to preserve native vegetation on the property. Native plants like Hibiscus tiliaceus (pago tree and Nypa frutican (nipa) are included.	Studies have found no endangered or protected species of vegetation within the proposed construction area. If found, all native plants will be preserved with care.
10.	Landscaping. Consult with Dept. of Agriculture for use of organic fertilizers or pesticides for landscaping to avoid contaminants from entering the Pago River and Bay. Consult with GEPA for use of such products.	Will coordinate and work with Dept. of Agriculture during landscaping work. GEPA will be consulted prior to using fertilizers.

Item No.	SUMMARY OF COMMENTS	Agency: GEPA RESPONSE
1.	Stormwater Disposal Management Plan:	RESPONSE
	Transfer Sisposa. Management Flan.	The applicant will account of the second
	a. There are no design and hydraulic	The applicant will prepare storm water
		management plans during building permitting
	calculations for the proposed	period. The plan will be prepared in
	stormwater management plans to	accordance with 2006 Guam/CNMI Storm
	ensure proper storage and discharged of	Water Management Manual.
	stormwater runoff, which will be	
	generated after full development of the	
	property. A soil investigation and	
	percolation test must be conducted to	
	determine the rate of percolation.	
	b. The water table is a major setback in	
	designing an effective drainage system.	
	The EIA short form (item 9) indicates	
	that the type of soil within the proximity	
	and footprint of the project is	
	considered to have a high water table,	
	which could limit the capability of	
	stormwater percolation and settlement.	
	Recommendation:	
	Conduct a comprehensive soil analysis	
	to determine percolation rate, taking	
	into consideration the water table, to be	
	used as a basis of design for a	
	stormwater management plan.	
	3	
	2. Comply with the requirements of the	
	2006 Guam/CNMI Stormwater	
	Management Manual and provide a pre-	
	treatment	
2.	Wastewater System:	
		During Phase 1 of Pago Bay Resort
	a. The proposed sewer connection is an	development in 2008, capacity of the Pago
	existing stub out that was provided from	Double Shaft Pump station was reviewed and
	the 98 single family residences (Pago	found to be sufficient. The results were
	Bay Resort) on Lot 155-NEW-R1, GLUC	reviewed with GWA and have agreed that the
	application No. 2007-84 and was	existing pump station will be able to handle all
	approved on March 14, 2008.	future Pago Bay development without any
	b. In this same application, GWA is	modifications. Appropriate stub outs were
	requiring that the applicant generate	prepared in anticipation of future connection

	Bay Marina Resort Case No: 2015-29	Agency:GEPA
Item No.	SUMMARY OF COMMENTS	RESPONSE
	wastewater calculations on the Pago	(Phase 2 and 3). All sewer installation
	Double Shaft and New Chaot Sewer	inspected by GWA personnel and have
	Pump Stations to determine the reserve	determined that the gravity sewer system
	capacity required to accommodate the	within the development have complied with all
	proposed wastewater load.	GWA standards. There are no sewer lift
	c. GWA advised the applicant that the	stations within the development.
	gravity sewer lines on Route 4,	
	downstream of the new Chaot SPS	Chaot SPS and manholes at Route 1 is beyond
	termination manhole and on Route 1,	the scope of this development. Comments
	are at capacity.	listed by GWA in 21008 (b, c, d, e, f and g) were
	d. GWA notes: "Until projects are	made during "Utility Moratorium: period. Since
	implemented to upgrade [these] areas,	then, these comments were no longer
	this subdivision (Pago Bay Resort) will	contained and repeated in GWA recent ARC
	be unable to connect to the sewer."	reviews.
	e. According to GWA on March 13,2008, a	
	review to determine specific	Wastewater discharge from swimming pools
	requirements for these areas is in	will not be connected to sanitary sewer
	progress, no detailed recommendation	system.
	have been made as to requirement for	system.
	upgrading them.	
	f. Further, GWA notes: Any upgrade of the	
	downstream facilities must be	
	completed prior to the connection of	
	the subdivision (Pago Bay Resort),	
	whether the financial responsibility is	
	determined to be that of GWA or the	
	developer.	
	g. The consumer density of the facility	
	being considered is three times larger at	
	300 residential dwelling units than the	
	Pago Bay Resort where the above	
	comments were based. The full	
	occupancy is much sooner than the	
	Resort due to the type of development.	
	_	
	Recommendation:	

Item No.	SUMMARY OF COMMENTS	RESPONSE
	Applicant must submit the results of the aforementioned studies and provide information on any projects completed	NEST ONSE
	in support of the application. 2. The sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during nopeak hours.	
	3. The proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station.	
	4. Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location.	
	5. The wastewater pump station requires a certified operator to operate for compliance with the 10 GCA Chapter 52, the "Water and Wastewater Operator's Mandatory Certification Act."	
	6. Pumping of sewage to GWA's gravity main must be schedule during non-peak hours.	
3.	Water System:	
	 a. The proposed connection is at the existing Pago Bay Resort is supplied after the GWA Pago Bay Booster Pump. b. The required Maximum Daily Demand is 172,800 Gallon per day, which is equivalent to the production of a 100-GPM water well. 	Water main connection from GWA to the Page Bay Resort development (Phase 1, 2 & 3) was made after discharge head of the Pago Booste Pump Station at the recommendation of GWA Engineering. This was to mitigate potential elevation problems and to prevent possible pump cavitation problem.
	c. The project is at the lowest elevation, therefore all available water in the distribution pipes could be exhausted by tis facility, and customers at higher elevations could be impacted with low to no water pressures.	A water storage tank within the project development will be considered, if necessary. However, this is a less desirable solution in terms of water safety and redundant repressurizing mechanical system.

Item No.	SUMMARY OF COMMENTS	RESPONSE
	Recommendation:	If approved by Government of Guam, alternate non-potable underground and storm water will be considered for landscaping use.
	The applicant must construct a water	
	storage tank with a minimum capacity of 24 domestic demands and the required fire flow.	
	The water point of connection must be before the Pago Booster station to conserve energy.	
	3. Non-potable water for landscape and other non-domestic used must be explored by collecting rainwater.	
4.	Other:	
	 a. Wetland area must be protected and a buffer of 30 feet must be maintained. b. The project must comply with all the 	There are no activities planned within the Wetland. Safe distance markers will be posted to prevent construction equipment from entering the wetland.
	requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e., Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.)	Solid Waste Management Plan, Boring and Dewatering Permit & Air Emission permit will be prepared during building permit application.

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Compliance with National Electric Code, National Electric Safety Code, GPA's Service Rules and Regulations.	Will comply during design and during building permitting process.
2.	Coordination with GPA for overhead/underground Power requirements.	Will comply with the requirements.
3.	Maintain minimum clearances as defined by the National Electrical Safety Code and National Electrical Code.	Will comply with the standards.
4.	Maintain adequate clearance between structures and electric utility easements in accordance with ESC and GPA requirements.	Will comply with the standards and requirements.
5.	Developer/owner shall provide necessary electric Utility easements to GPA prior to final connection.	Will comply with the standards and requirements.
6.	Provide any revisions to scheduling and magnitude of project power demand requirements for new Loads.	Will comply with the requirements.
7.	All relocation costs for GPA's facilities, if necessary, are 100% chargeable to the applicant including but not limited to labor and materials.	Will coordinate any and all cost items with GPA.
8.	Required system upgrade will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities.	Developer will coordinate and identify any and all relocation costs, new installation costs and all costs associated with modification of GPA facilities for work directly associated with providing power to the development.
9.	Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current Issue of GPA's Service Rules and Regulations.	Will comply with requirement of GPA's Service Rules and Regulations.
10.	Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.	To be identified by both applicant and GPA.

Project: Pago Bay Marina Resort

Case No: 2015-29

_Agency: ____

GWA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	GWA recommends applicant to coordinate with the GWA engineering department in advance of the building permit application submittal, to discuss the proposed project's impacts on existing water and sewer infrastructure improvements.	Will comply and coordinate with GWA prior to building permit.
2.	Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.	Will comply and provide details.
3.	The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.	Will provide revised water demand calculation to include pool, water park and other amenities using water and sewer sources.
4.	If water and sewer infrastructure facilities are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.	Will comply and undergo installation inspections by GWA personnel.
5.	The applicant shall install the water meters in the right of way or easement.	Will comply.
6.	If the development will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities.	Grease traps and backflow preventers will be provided.
7.	New development is subject to water and/or sewer system development charges (SDC).	Will comply with this policy.

Department of Land Management Gavernment of Guam P.O. Box 2950 Hagatha, Guam 96932 NOTICE OF ACTION March 14, 2008 Date To: Pago Bay Resorts, LLC Represented by John Sherman And Felix Benavente Suite 201, Tun Jesus Crisostomo Street Tamuning, Guam 96913 The Guam Land Use Commission, at its meeting on March 13, 2008. // Approved // Disapproved XX/ Approved with Conditions // Tabled Your request for a Tentative Subdivision approval to create 98-single family residential lots with full improvements, on Lot 155-NEW-R1, Zone "R-2" Multi-Family Dwelling, Municipality of Yona. // Zone Change** // Zone Variance // Zone Variance // Jensity // Subdivision Variance // Final Subdivision // Conditional Use // Final Subdivision // Determination of Policy Definition // Determination of Policy Definition // Subdivision Definition	Department of Land Manag	gement			
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/ Seashore Clearance/ Miscellaneous	/ Determination of Policy Definition	/ Subdivision Definition			
	/ Seashore Clearance	/ Miscellaneous			

***Approval by the Guam Land Use Commission of a Zone change DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Notification be sent upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

Application No. 2007-84

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Felix Benavente
Lot 155-NEW-R1, Municipality of Yona
GUC Meeting of March 13, 2008
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APPLICATION DESCRIPTION: The Applicant, Pago Bay Resorts, LLC, represented by John Sherman, P.E., and Felix Benavente, requests approval of a Tentative Subdivision to create 98-single-family residential tots with full improvements on Lot 155-NEW-R1, Municipality of Yona.

The Guarn Land Use Commission Approved the applicant's request with the following conditions to wit:

DEPARTMENT OF LAND MANAGEMENT

Comply With all ARC conditions.

GUAM ENVIRONMENTAL PROTECTION AGENCY

Infrastructure: Water.

Section 8.a of the Environmental Impact Assessment Table 1, estimates the average daily water demand of 44,000 gallons per day (GPD) which is less than 58,212 GPD (40gpm) that GEPA estimates based on water facility master plan criteria.

The water demand has a negative impact to the existing water system especially customers at higher areas. Without additional water sources at GWA water system that can be put in service before the completion of these projects, the system may experience a water shortage during the dry season.

The Guam Environmental Protection Agency can conditionally approve the tentative subdivision provided a water production well can be built by the applicant in partnership with GWA to offset the water demand allocated for this project.

infrastructure: Wastewater

Based on the Guam WaterWorks Authority's Master Plan Wastewater System the existing sewer system near the proposed site needs to be upgraded to avoid overflowing. We recommend that the developer/consultants coordinate with Guam WaterWorks Authority regarding connection to the existing public sewer system whether the existing wastewater system can accommodate the additional volume of wastewater generated from the proposed development. The sewer pump near the proposed site has a history of sewage overflowing. Coordination with GWA in regards to upgrading this facility should be a condition to consider.

Clearing and Grading/Erosion Control:

The Agency shall require that the provisions of the Guam Soil Erosion and Sediment Control Regulation be adhered to regarding earth moving activities which create accelerated erosion or danger of accelerated erosion and which requires planning and implementation of effective soil conservation measures. Best management practice shall be applied to all clearing, grubbing, grading, embankment or filling, excavating, stockpiling or other earth-moving operations which requires permitting. Utilization of silt curtains, check dams, chutes, /flumes, dissipation and diversion techniques shall be practiced to mitigate erosion. Consultant shall be required to obtain a Clearing Permit and submit an Environmental Protection Plan with supporting Erosion Control Plan prior to clearing and grading to Guam EPA.

Storm Water Management:

The Agency requires that all stormwater disposals shall be disposed/handled properly within the property not allowing the stormwater to overflow into the public roads and adjacent property. A detailed stormwater drainage calculation, stormwater drainage plan and management for pollution prevention measures shall be provided prior to permitting.

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Felix Benaventa
tot 155-NEW-R1, Municipality of Yona
GUC Meeting of March 13, 2008
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GUAM ENVIRONMENTAL PROTECTION AGENCY cont'd:

Air Pollution:

Guam EPA requires that no person shall cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are:

- (1) Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land:
- (2) Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;
- (3) Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;
- (4) Installation and use of hoods, fans, and fabric tilters to enclose and vent the handling of dusty material.
- Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;
- Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize;
- (7) Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and
- (8) Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means:
- (9) Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which fugitive dust originates.

Solid Waste/Green Waste:

Please be advised that any green waste generated by clearing of this development shall not be transported to the Ordot Dump. We recommend that green waste be mulched and used on site. We recommend that all white goods found on site be transported to designated drop off points.

GUAM WATERWORKS AUTHORITY

GWA has no objection to the Tentative Development Plan if the conditions noted below are met and if a resolution to the wastewater capacity issues can be reached prior to the commencement of the project.

GWA conditional approval does not constitute a guarantee that water and wastewater service is immediately available to the subject lot. Any extension of the water and wastewater systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA and shall be at the expense of the developer.

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Felix Benavente
Lot 155-NEW-R1, Municipality of Yona
GUC Meeting of March 13, 2008
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GUAM WATERWORKS AUTHORITY cont'd:

- Design calculations shall include a fixture count summary for evaluation and determination of most appropriate meter size. Water service point of connection, connection details, water service line and meter size must be illustrated in the drawings and approved by GWA. If water meter size, required to meet fire flow requirements cannot register efficiently average daily flows, then a separate fire flow line shall be provided.
- The project detail design shall include an evaluation of fire flow requirements and system capacity to provide fire flows. GWA conditional approval does not constitute a guarantee that the system is adequate to provide fire protection at the site.
- Applicant shall conduct wastewater calculations on the Pago Double Shaft and New Chaot Sewer Pump Stations to determine the reserve capacity required to accommodate the proposed wastewater load. In addition, applicant is hereby advised that the gravity sewer lines on Route 4 downstream of the New Chaot SPS terminating manhole and on Route 1 are at capacity. Until projects are implemented to upgrade these areas, this subdivision will be unable to connect to the sewer. Although a review to determine specific requirements for these areas is in progress, no detailed recommendations have been made as to requirements for upgrading them. Any upgrades of the downstream facilities must be completed prior to the connection of the subdivision, whether the financial responsibility is determined to be that of GWA or the development.
- Plans and specifications must be submitted for review and approval of GWA prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specification. GWA recommends that project consultants coordinate development of utility plans with GWA well in advance of building permit submittal (conceptual and 60% development stages). Final submittal shall include electronic and paper copies of plans (electronic copy required for utilities only).
- Applicant's proposal to incorporate a "gated community" is highly discouraged. If Applicant decides to proceed with the gated community plans prior to the building permitting process, this Position Statement shall be voided and Applicant shall consult with Guam EPA and GWA Engineering Division for requirements and specifics.

Applicant is hereby on notice that water and sewer development charges may be applicable based on its submittals of the final development plans.

GUAM POWER AUTHORITY:

- Comments and Recommendations Concerning GPA Requirements.
 - GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Secure electric utility easements required.

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Felix Benavente
Lot 155-NEW-R1, Municipality of Yona
GUC Meeting of March 13, 2008
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GUAM POWER AUTHORITY cont'd:

- Provide scheduling and magnitude of project power demand requirements for new loads.
- All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- Primary distribution line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Rules and Regulations.
- A "fair share" assessment for power generation, transmission and/or substation facilities may be required.
- B. General Comments.
 GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF PARKS AND RECREATION:

No Objections with the following conditions:

- All construction activities relative to ground disturbances within the project area shall be coordinated with the project's archaeologist, including the staging area.
- Considerations and discussions shall be made in good faith in finding resolutions to the avoidance of disturbance to burials.
- As regards to construction and accessibility of neighborhood parks and recreation facilities, the applicant is advise to consult with DPR, DPW, DLM, and the Mayor of Yona.
- As regards to trails and "ocean shore access," the applicant shall consult with DPRR, parks Division and Guam Historic Preservation Office, DLM and DPW pursuant to guidelines and requirements in accordance with Public Access to the Ocean Shore and Traditional Right-of-Way, Public law No. 19-05.
- 5. Subject application shall comply with the requirements of Guam Public Law 20-151 and 21-104; Guam Executive Orders 89-9 and 89-24; Section 106, Part 800, National Historic Preservation Act of 1996, as amended, when applicable, and shall also be consistent with the general and specific policy guidelines of the Department of Parks and Recreation in consultation with the Guam Historic Preservation Office.
- Any activity determined by our office to be a violation of the conditions set forth may constitute grounds for suspension of our approval and the Issuance of a "Cease Work Order" against the entire project, pursuant to Section 76511, Article 5, Chapter 76, 21 GCA.

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Felix Benavents
Lot 155-NEW-R1, Municipality of Yona
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DEPARTMENT OF PUBLIC WORKS

A building permit is required prior to construction and change of use. Design Drawings must meet all building, electrical and plumbing codes, parking, traffic, sign, grading, drainage, and ADA regulations.

The Department of Public Works Traffic Division request that a "Signal Warrant Analysis and a Warrant Analysis & Recommendation" be commissioned (at no cost to the Government of Guam) and transmitted to the Division of Engineering (Horizontal) for evaluation.

This data will determine whether an intersection meets warrants for signalization as specified in the "Manual of Uniform Traffic Control Devices (MUTCO) and accepted traffic-engineering practices. It will aid in determining whether a signal should be installed and determine what other improvements or combination of improvements would best and cost effectively reduce crash occurrences. The study should also identify public utilities that are impacted by the improvements.

BUREAU OF STATISTICS AND PLANS

No Objections with the following conditions:

- Before the Final Subdivision Plan/Application is submitted for review and approval, all of the basic infrastructure that were indicated in the tentative subdivision plan are in place. Only when all of the infrastructure is in place that the final plan be entertained.
- The applicant must be required to work with the Department of Public Works (DPW) and the Yona Mayor to ensure that appropriate street names and house numbers are assigned for the proposed subdivision prior to the Final Subdivision Plan being submitted for approval.
- The parking layout and dimensions as well as the vehicular layout within the development must be approved by DPW to ensure that the applicants are in conformance with the right of way requirements.
- 4. The applicants must be required to work with the Guam Fire Department (GFD) to ensure that the access to the proposed establishment is sufficient and acceptable for emergency vehicles in the event of fire or an emergency and that the fire hydrants are in conformance with the Fire Codes.
- 5. The applicants must be required to work with the Guam Environmental Protection Agency (GEPA) to ensure that all storm water and run-off issues are adequately addressed. The applicant must ensure that erosion is mitigated and best management practices are implemented.
- The applicant must work with the Historic Preservation Division of the Department of Parks and Recreation to ensure that an archeological survey of all sub-terrain surfaces is conducted, especially where digging may occur.
- The applicant is encouraged to work with the Department of Agriculture to reduce the number of native trees
 that cleared.
- The applicant must be required to work with the Department of Parks and Recreation to provide designated and signed public access.
- No future changes to the proposal will be allowed unless GLUC first approves them.

NOTICE OF ACTION
Pago Bay Resorts, LLC
Represented by John Sherman, P.E. & Fellx Benavente
Lot 155-NEW-R1, Municipality of Yona
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Page 7 of 7

Carlos R. Untalan Acting Guam Chief Planner Guam Land Use Commission Case Planner: Carl Untatan
Attachment(s): ARC Distribution List
Cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete) **CERTIFICATION OF UNDERSTANDING** (Representative [Please print name]) I/We (Applicant [Please print name]) Understand that pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change. The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval. I/We, further agree and accept the conditions above as a part of the Notice of Action and further agree to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Guam Land Use Commission/Guam Seashore Protection Commission. Signature of Representative Signature of Applicant DATE: _ ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY: □ Representative □ Applicant